OFFICIAL RECORDS OF THE GENERAL ASSEMBLY

FORTY-FIFTH SESSION

ANNEXES

Volume II

(of two volumes)

AGENDA ITEMS 80-158
18 September-21 December 1990
29 April, 3, 13 and 17 May,
10, 21 and 28 June, 27 August
and 13 and 16 September 1991

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UNITED NATIONS
New York, 1993

NOTE

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

ANNEXES OF THE FORTY-FIFTH SESSION

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3. Credentials of representatives to the forty-fifth session of the General Assembly:
   (*a*) Appointment of the members of the Credentials Committee;
   (*b*) Report of the Credentials Committee.
7. Notification by the Secretary-General under Article 12, paragraph 2, of the Charter of the United Nations.
8. Adoption of the agenda and organization of work: reports of the General Committee.
12. Report of the Economic and Social Council.[a]
14. Report of the International Atomic Energy Agency.
15. Elections to fill vacancies in principal organs:
   (*a*) Election of five non-permanent members of the Security Council;
   (*b*) Election of eighteen members of the Economic and Social Council;
   (*c*) Election of five members of the International Court of Justice.
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   (*b*) Election of twenty members of the Committee for Programme and Co-ordination;
   (*c*) Election of a member of the Governing Council of the United Nations Environment Programme;
   (*d*) Election of the United Nations High Commissioner for Refugees.
17. Appointments to fill vacancies in subsidiary organs:
   (*a*) Appointment of members of the Advisory Committee on Administrative and Budgetary Questions;
   (*b*) Appointment of members of the Committee on Contributions;
   (*c*) Appointment of a member of the Board of Auditors;
   (*d*) Confirmation of the appointment of members of the Investments Committee;
   (*e*) Appointment of members of the United Nations Administrative Tribunal;
   (*f*) International Civil Service Commission:
      (i) Appointment of members of the Commission;
      (ii) Designation of the Chairman and Vice-Chairman of the Commission;
   (*g*) Appointment of members of the Committee on Conferences;
   (*h*) Appointment of an alternate member of the United Nations Staff Pension Committee;
   (*i*) Appointment of a member of the Consultative Committee on the United Nations Development Fund for Women.
18. Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples.[a]
19. Admission of new Members to the United Nations.
20. Co-operation between the United Nations and the Asian-African Legal Consultative Committee.
21. Co-operation between the United Nations and the Organization of American States.
22. Implementation of the Declaration on the Right of Peoples to Peace.
23. Question of Palestine.
24. Co-operation between the United Nations and the Latin American Economic System.
25. Co-operation between the United Nations and the League of Arab States.

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[a] See also fascicle for items 18, 111, 113 and 12, 114 and 115.

Agenda item *Title*

26. Co-operation between the United Nations and the Organization of the Islamic Conference.
27. Question of the Comorian island of Mayotte.
28. The situation in Central America: threats to international peace and security and peace initiatives.
29. The situation in Afghanistan and its implications for international peace and security.
30. Co-operation between the United Nations and the Organization of African Unity.
31. Zone of peace and co-operation of the South Atlantic.
32. The situation in Cambodia.
33. Law of the sea.
34. Policies of *apartheid* of the Government of South Africa.
35. The situation in the Middle East.
45. Implementation of General Assembly resolution 44/104 concerning the signature and ratification of Additional Protocol I of the Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco).[b]
46. Cessation of all nuclear-test explosions.[b]
47. Amendment of the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water.[b]
48. Urgent need for a comprehensive nuclear-test-ban treaty.[b]
49. Establishment of a nuclear-weapon-free zone in the region of the Middle East.[b]
50. Establishment of a nuclear-weapon-free zone in South Asia.[b]
51. Conclusion of effective international arrangements on the strengthening of the security of non-nuclear-weapon States against the use or threat of use of nuclear weapons.[b]
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53. Prevention of an arms race in outer space.[b]
54. Implementation of the Declaration on the Denuclearization of Africa.[b]
55. Chemical and bacteriological (biological) weapons.[b]
56. General and complete disarmament:[b]
    (*a*) Notification of nuclear tests;
    (*b*) Comprehensive United Nations study on nuclear weapons;
    (*c*) Prohibition of the development, production, stockpiling and use of radiological weapons;
    (*d*) Conventional disarmament;
    (*e*) Nuclear disarmament;
    (*f*) Objective information on military matters;
    (*g*) Prohibition of the production of fissionable material for weapons purposes;
    (*h*) Relationship between disarmament and development;
    (*i*) Naval armaments and disarmament;
    (*j*) International arms transfers;
    (*k*) Defensive security concepts and policies;
    (*l*) Review of the role of the United Nations in the field of disarmament;
    (*m*) Prohibition of the dumping of radioactive wastes;
    (*n*) Conventional disarmament on a regional scale.
57. Review and implementation of the Concluding Document of the Twelfth Special Session of the General Assembly:[b]
    (*a*) World Disarmament Campaign;
    (*b*) Convention on the Prohibition of the Use of Nuclear Weapons;
    (*c*) Nuclear-arms freeze;
    (*d*) United Nations disarmament fellowship, training and advisory services programme;

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[b] See fascicle for items 45 to 66 and 155.

Agenda item *Title*

(*e*) United Nations Regional Centre for Peace and Disarmament in Africa, United Nations Regional Centre for Peace and Disarmament in Asia and the Pacific and United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean.

58. Scientific and technological developments and their impact on international security.[b]
59. Science and technology for disarmament.[b]
60. Review of the implementation of the recommendations and decisions adopted by the General Assembly at its tenth special session:[b]
    - (*a*) Report of the Disarmament Commission;
    - (*b*) Report of the Conference on Disarmament;
    - (*c*) Status of multilateral disarmament agreements;
    - (*d*) Advisory Board on Disarmament Matters;
    - (*e*) United Nations Institute for Disarmament Research;
    - (*f*) Review and appraisal of the implementation of the Declaration of the 1980s as the Second Disarmament Decade;
    - (*g*) Implementation of the guidelines for appropriate types of confidence-building measures;
    - (*h*) Non-use of nuclear weapons and prevention of nuclear war;
    - (*i*) Cessation of the nuclear-arms race and nuclear disarmament;
    - (*j*) Prevention of nuclear war;
    - (*k*) Declaration of the 1990s as the Third Disarmament Decade.
61. Implementation of the Declaration of the Indian Ocean as a Zone of Peace.[b]
62. Israeli nuclear armament.[b]
63. Education and information for disarmament.[b]
64. Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects.[b]
65. Special sessions on disarmament.[b]
66. Verification in all its aspects.[b]
67. Question of Antarctica.
68. Strengthening of security and co-operation in the Mediterranean region.[c]
69. Review of the implementation of the Declaration on the Strengthening of International Security.[c]
70. Implementation of the Declaration on the Preparation of Societies for Life in Peace.[c]
71. Science and peace.
72. Effects of atomic radiation.
73. International co-operation in the peaceful uses of outer space.
74. United Nations Relief and Works Agency for Palestine Refugees in the Near East.
75. Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories.
76. Comprehensive review of the whole question of peace-keeping operations in all their aspects.
77. Questions relating to information.
78. Question of the composition of the relevant organs of the United Nations.
79. Development and international economic co-operation:
    - (*a*) International development strategy for the fourth United Nations development decade (1991-2000);
    - (*b*) Trade and development;
    - (*c*) Review and appraisal of the implementation of the Substantial New Programme of Action for the 1980s for the Least Developed Countries;
    - (*d*) Food problems;

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[c] See fascicle for items 68 to 70.

Agenda item *Title*

- (*e*) New and renewable sources of energy;
- (*f*) Development of the energy resources of developing countries.

80. United Nations Conference on Environment and Development.[d]
81. Protection of global climate for present and future generations of mankind.[d]
82. International co-operation for the eradication of poverty in developing countries.
83. External debt crisis and development.
84. Operational activities for development:
    - (*a*) Operational activities of the United Nations system;
    - (*b*) United Nations Development Programme;
    - (*c*) United Nations Population Fund;
    - (*d*) United Nations Children's Fund;
    - (*e*) World Food Programme.

84. Training and research:
- (*a*) United Nations Institute for Training and Research;
- (*b*) United Nations University.

86. Special economic and disaster relief assistance:[e]
    - (*a*) Office of the United Nations Disaster Relief Co-ordinator;
    - (*b*) Special programmes of economic assistance.
87. International assistance for the economic rehabilitation of Angola.[e]
88. Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist régime of South Africa.[f]
89. Effective implementation of United Nations instruments on human rights and effective functioning of bodies established pursuant to such instruments.[g]
90. World social situation.[h]
91. Elimination of all forms of racial discrimination.[f]
92. Implementation of the World Programme of Action concerning Disabled Persons and the United Nations Decade of Disabled Persons.[h]
93. Human rights and scientific and technological developments.[g]
94. Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms.[i]
95. New international humanitarian order.[i]
96. Policies and programmes involving youth.[h]
97. Implementation of the Convention on the Rights of the Child.[g]
98. Implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination.[f]
99. Question of aging.[h]
100. Crime prevention and criminal justice.[i]
101. Elimination of all forms of discrimination against women.[j]
102. Forward-looking strategies for the advancement of women to the year 2000.[j]
103. Importance of the universal realization of the right of peoples to self-determination and of the speedy granting of independence to colonial countries and peoples for the effective guarantee and observance of human rights.[f]
104. International Year of the Family.[h]
105. International Covenants on Human Rights.[g]
106. Elimination of all forms of religious intolerance.[g]
107. Office of the United Nations High Commissioner for Refugees.
108. International action to combat drug abuse and illicit trafficking.

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[d] See fascicle for items 80 and 81.

[e] See fascicle for items 86 and 87.

[f] See fascicle for items 88, 91, 98 and 103.

[g] See fascicle for items 89, 93, 97, 105, 106, 109 and 110.

[h] See fascicle for items 90, 92, 96, 99 and 104.

[i] See fascicle for items 94, 95 and 100.

[j] See fascicle for items 101 and 102.

Agenda item	*Title*
109.	Torture and other cruel, inhuman or degrading treatment or punishment.[g]
110.	Enhancing the effectiveness of the principle of periodic and genuine elections.[g]
111.	Information from Non-Self-Governing Territories transmitted under Article 73 *e* of the Charter of the United Nations.[a]
112.	Activities of foreign economic and other interests which are impeding the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples in Territories under colonial domination and efforts to eliminate colonialism, *apartheid* and racial discrimination in southern Africa.
113.	Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and the international institutions associated with the United Nations.[a]
114.	United Nations Educational and Training Programme for Southern Africa.[a]
115.	Offers by Member States of study and training facilities for inhabitants of Non-Self-Governing Territories.[a]
116.	Financial reports and audited financial statements, and reports of the Board of Auditors:
	(*a*) United Nations;
	(*b*) United Nations Development Programme;
	(*c*) United Nations Children's Fund;
	(*d*) United Nations Relief and Works Agency for Palestine Refugees in the Near East;
	(*e*) United Nations Institute for Training and Research;
	(*f*) Voluntary funds administered by the United Nations High Commissioner for Refugees;
	(*g*) Fund of the United Nations Environment Programme;
	(*h*) United Nations Population Fund;
	(*i*) United Nations Habitat and Human Settlements Foundation.
117.	Review of the efficiency of the administrative and financial functioning of the United Nations.
118.	Programme budget for the biennium 1990-1991.
119.	Programme planning.
120.	Current financial crisis of the United Nations.[k]
121.	Financial emergency of the United Nations.[k]
122.	Administrative and budgetary co-ordination of the United Nations with the specialized agencies and the International Atomic Energy Agency.
123.	Joint Inspection Unit.
124.	Pattern of conferences.
125.	Scale of assessments for the apportionment of the expenses of the United Nations.
126.	Personnel questions:
	(*a*) Composition of the Secretariat;
	(*b*) Respect for the privileges and immunities of officials of the United Nations and the specialized agencies and related organizations;
	(*c*) Other personnel questions.
127.	United Nations common system.[l]
128.	United Nations pension system.[l]
129.	Financing of the United Nations peace-keeping forces in the Middle East:
	(*a*) United Nations Disengagement Observer Force;
	(*b*) United Nations Interim Force in Lebanon.
130.	Financing of the United Nations Iran-Iraq Military Observer Group.
131.	Financing of the United Nations Angola Verification Mission.
132.	Financing of the United Nations Transition Assistance Group.
133.	Financing of the United Nations Observer Group in Central America.

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[k] See fascicle for items 120 and 121.

[l] See fascicle for items 127 and 128.

Agenda item	*Title*
134.	Administrative and budgetary aspects of the financing of the United Nations peace-keeping operations.
135.	Observer status of national liberation movements recognized by the Organization of African Unity and/or by the League of Arab States.
136.	Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts.
137.	Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives.
138.	United Nations Decade of International Law.
139.	Peaceful settlement of disputes between States.[m]
140.	Draft Code of Crimes against the Peace and Security of Mankind.[n]
141.	Report of the United Nations Commission on International Trade Law on the work of its twenty-third session.
142.	Report of the International Law Commission on the work of its forty-second session.[n]
143.	Consideration of the draft articles on the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier and of the draft optional protocols thereto.
144.	Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization.[m]
145.	Report of the Committee on Relations with the Host Country.
146.	Additional Protocol on consular functions to the Vienna Convention on Consular Relations.
147.	Conciliation rules of the United Nations.
148.	Implementation of the commitments and policies for international development co-operation agreed upon in the Declaration on International Economic Co-operation, in particular the Revitalization of Economic Growth and Development of the Developing Countries.
149.	Observer status for the International Committee of the Red Cross, in consideration of the special role and mandates conferred upon it by the Geneva Conventions of 12 August 1949.
150.	Tenth anniversary of the University for Peace.
152.	Critical economic situation in Africa:
	(*a*) United Nations Programme of Action for African Economic Recovery and Development 1986-1990;
	(*b*) Report of the United Nations Secretary-General's Expert Group on African Commodity Problems;
	(*c*) African Charter for Popular Participation in Development and Transformation.
154.	Electoral assistance to Haiti.
155.	Prohibition of the development and manufacture of new types of weapons of mass destruction and new systems of such weapons: report of the Conference on Disarmament.[b]
156.	Financing of the activities arising from Security Council resolution 687 (1991):
	(*a*) United Nations Iraq-Kuwait Observation Mission;
	(*b*) Other activities.
157.	Financing of the United Nations Mission for the Referendum in Western Sahara.
158.	Financing of the United Nations Observer Mission in El Salvador.

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[m] See fascicle for items 139 and 144.

[n] See fascicle for items 140 and 142.

United Nations

GENERAL ASSEMBLY

Official Records

Agenda items 80 and 81*

ANNEXES

FORTY-FIFTH SESSION

NEW YORK, 1990/1991

Agenda item 80: United Nations Conference on Environment and Development*
Agenda item 81: Protection of global climate for present and future generations of mankind*

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* For the records of the relevant meetings, see *Official Records of the General Assembly, Forty-fifth Session, Second Committee*, 2nd to 9th, 39th to 43rd, 49th, 51st and 54th meetings, and corrigendum; and *ibid., Plenary Meetings*, 71st meeting. For the prior consideration of the question dealt with under those items, see *Official Records of the General Assembly, Forty-fourth Session, Annexes*, agenda items 82 and 85.

DOCUMENT A/45/850

Report of the Second Committee on agenda item 80

[*Original: English*]
[*17 December 1990*]

1. At its 3rd plenary meeting, on 21 September 1990, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its forty-fifth session, as item 80, and to allocate to the Second Committee for consideration and report, the item entitled "United Nations Conference on Environment and Development".

2. The Committee considered the item at its 39th to 43rd, 49th and 54th meetings, from 12 to 14 November and on 28 November and 11 December 1990. An account of the Committee's discussions is contained in the relevant summary records (see A/C.2/45/SR.39-43, 49 and 54). Attention is also drawn to the general debate held by the Committee on all the items allocated to it at its 2nd to 9th meetings, from 8 to 11 October (see A/C.2/45/SR.2-9).

3. For its consideration of the item, the Committee had before it the following documents:

[*See the list of documents at the end of the present fascicle.*]

4. At the 39th meeting, introductory statements were made by the Under-Secretary-General and Executive Director of the United Nations Environment Programme, the Secretary-General of the United Nations Conference on Environment and Development, the Secretary-General of the World Meteorological Organization and the Under-Secretary-General for Ocean Affairs and the Law of the Sea.

Consideration of proposals

Draft resolutions A/C.2/45/L.59 and L.95

5. At the 49th meeting, the representative of Bolivia, on behalf of the States Members which are members of the Group of 77, introduced a draft resolution (A/C.2/45/L.59), entitled "Environment and international trade", and orally revised the operative paragraph thereof by inserting the words "for the third session of the Preparatory Committee of the United Nations Conference on Environment and Development" after the words "to prepare". The text, as orally revised, read as follows:

> "*The General Assembly*,
>
> "*Reaffirming* its resolution 44/228 of 22 December 1989 on the United Nations Conference on Environment and Development,
>
> "*Taking note* of decision 384 (XXXVII) of 12 October 1990 of the Trade and Development Board, entitled "UNCTAD's contribution, within its mandate, to sustainable development" (see A/45/15, chap. III, sect. B.2),
>
> "*Also taking note* of decision 1/25 of 31 August 1990 of the Preparatory Committee for the United Nations Conference on Environment and Development, entitled "Environment and development" (see A/45/46, annex I),
>
> "*Reaffirming* the terms of the statement on sustainable development adopted by the Governing Council of the United Nations Environment Programme at its fifteenth session,[1]
>
> "*Requests* the Secretary-General of the United Nations Conference on Trade and Development to prepare for the third session of the Preparatory Committee of the United Nations Conference on Environment and Development a comprehensive analytical study on the present situation and future trends regarding the relation between environmental issues and international trade, reflecting, *inter alia*, the perspective that environmental concerns should not be used to introduce new forms of conditionality and should not serve as a pretext for creating unjustified bar-

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[1] *Official Records of the General Assembly, Forty-fourth Session, Supplement No. 25* (A/44/25), annex I, decision 15/2, annex II.

riers to trade; the report should cover trade and the transfer of environmentally sound technologies, as well as the appearance of non-tariff trade barriers resulting from environmental concerns and the impact of such barriers on the economic development of developing countries."

6. At the 54th meeting, Mr. Ahmed Amaziane (Morocco), Vice-Chairman of the Committee, introduced a draft resolution (A/C.2/45/L.95) submitted on the basis of informal consultations held on draft resolution A/C.2/45/L.59, and orally revised it as follows:

(*a*) In paragraph 1, the word "acknowledged" was replaced by the word "stated";

(*b*) In paragraph 2, the words "for submission to the Preparatory Committee at its third session, the report on transfer of technology, including, *inter alia*, the obstacles on both the importing and exporting sides, that impede the transfer of environmentally sound technologies, requested by the Preparatory Committee in decision 1/8" were replaced by the words "the report on transfer of technology requested in decision 1/8 of 30 August 1990, adopted by the Preparatory Committee for the United Nations Conference on Environment and Development at its first substantive session, for submission to the third session of the Preparatory Committee, including an examination of the obstacles on both the importing and exporting sides that impede the transfer of environmentally sound technologies".

7. At the same meeting, the Committee adopted draft resolution A/C.2/45/L.95, as orally revised (see para. 13 below, draft resolution I).

8. In the light of the adoption of draft resolution A/C.2/45/L.95, draft resolution A/C.2/45/L.59 was withdrawn by the sponsors.

Draft resolutions A/C.2/45/L.60 and L.82

9. At the 49th meeting, the representative of Bolivia, on behalf of the States Members which are members of the Group of 77, introduced a draft resolution (A/C.2/45/L.60), entitled "United Nations Conference on Environment and Development", which read as follows:

"*The General Assembly*,

"*Recalling* the report of the Preparatory Committee for the United Nations Conference on Environment and Development on its organizational session, held at United Nations Headquarters from 5 to 16 March 1990,[2]

"*Having considered* the report of the Preparatory Committee on its first session, held at Nairobi from 6 to 31 August 1990 (A/45/46),

"1. *Reaffirms* its resolution 44/228 of 22 December 1989 on the United Nations Conference on Environment and Development;

"2. *Stresses* the fundamental interrelationship between environment and development, and reiterates the need for a balance to be kept between the development and the environment dimensions during the entire preparatory process and during the Conference, and the need for cross-sectoral issues to be fully integrated into that work;

"3. *Reaffirms* its decisions relating to the report of the Preparatory Committee on its organizational session;

"4. *Takes note* of the report of the Preparatory Committee on its first session and endorses the decisions contained therein (*ibid.*, annex I);

"5. *Decides* that the United Nations Conference on Environment and Development shall take place at Rio de Janeiro, Brazil, from 1 to 12 June 1992;

"6. *Urges* that representation at the Conference be at the level of head of State or Government, on the understanding that invitations will be issued in accordance with established United Nations practice;

"7. *Expresses its appreciation* to the Governments that have contributed to the Voluntary Fund for the United Nations Conference on Environment and Development, and invites Governments to contribute urgently and generously to the Fund so that the developing countries, in particular the least developed among them, may be assisted in participating fully and effectively in the Conference and in its preparatory process, in accordance with section II, paragraph 15, of resolution 44/228;

"8. *Calls upon* the organs, organizations and bodies of the United Nations system to continue to give full support to the preparatory process for the Conference and assist the Secretary-General of the United Nations Conference on Environment and Development in the implementation of the work programme, in conformity with resolution 44/228;

"9. *Requests* the organs, organizations and bodies of the United Nations system to extend full co-operation to developing countries in order to ensure that appropriate preparations for the forthcoming sessions of the Preparatory Committee are made, in particular in all aspects relating to linkages between environment and development, including the identification of concrete measures and action to ensure that these issues are treated in a balanced and integrated way;

"10. *Endorses* Preparatory Committee decision 1/7 of 29 August 1990 concerning the dates of the second and third sessions of the Preparatory Committee;

"11. *Requests* the Secretary-General of the United Nations Conference on Environment and Development to ensure the timely submission to the Preparatory Committee at its second and third sessions of the reports requested at its first session;

"12. *Takes note* of the provisions of Preparatory Committee decision 1/1 of 14 August 1990 (*ibid.*) and authorizes the Preparatory Committee, without prejudice to the provisions of resolution 44/228, to continue to apply, for the purpose of the preparatory process, the provisional arrangements agreed upon in that decision concerning the participation of non-governmental organizations in the preparatory process;

"13. *Reiterates* that the Preparatory Committee shall review and assess ongoing negotiating processes in the field of the environment and that the forums involved in such processes shall report regularly on their activities to the Preparatory Committee at its forthcoming session, in accordance with the guidelines and requirements established by the Preparatory Committee."

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[2] *Ibid., Supplement No. 48* (A/44/48).

10. At the 54th meeting, Mr. Ahmed Amaziane, Vice-Chairman of the Committee, introduced a draft resolution (A/C.2/45/L.82) submitted on the basis of informal consultations held on draft resolution A/C.2/45/L.60, and orally revised paragraph 7 thereof by replacing the words "*Requests* the Secretary-General of the United Nations to invite all States" by the words "*Invites* the Secretary-General of the United Nations to issue invitations to all States".

11. At the same meeting, the Committee adopted draft resolution A/C.2/45/L.82, as orally revised (see para. 13 below, draft resolution II).

12. In the light of the adoption of draft resolution A/C.2/45/L.82, draft resolution A/C.2/45/L.60 was withdrawn by the sponsors.

Recommendation of the Second Committee

13. The Second Committee recommends to the General Assembly the adoption of draft resolutions I and II below:

Draft resolution I

ENVIRONMENT AND INTERNATIONAL TRADE

The General Assembly,

Reaffirming its resolution 44/228 of 22 December 1989 on the United Nations Conference on Environment and Development,

Affirming decision 384 (XXXVII) of 12 October 1990 of the Trade and Development Board, entitled "UNCTAD's contribution, within its mandate, to sustainable development" (see A/45/15, chap. III, sect. B.2),

Also affirming decision 1/25 of 31 August 1990 of the Preparatory Committee for the United Nations Conference on Environment and Development, entitled "Environment and development" (see A/45/46, annex I),

Reaffirming the statement on sustainable development contained in annex II to decision 15/2 of 26 May 1989 of the Governing Council of the United Nations Environment Programme,[3]

1. *Requests* the Secretary-General of the United Nations Conference on Trade and Development, in close co-operation with the Secretary-General of the United Nations Conference on Environment and Development and relevant United Nations bodies, taking into account the relevant parts of Trade and Development Board decision 384 (XXXVII) and the work done by international organizations and in other relevant forums and in conformity with General Assembly resolution 44/228, in which it was stated that environmental concerns and considerations are crucial to achieving sustainable development for all countries but should not serve as a pretext for creating unjustified barriers to trade, to prepare a comprehensive analytical study, to be submitted to the Preparatory Committee for the United Nations Conference on Environment and Development at its third session, on the present situation and future trends regarding the relationship between environmental issues and international trade and covering, *inter alia*, the following subjects:

(*a*) The consideration of trade and environment, in the light of the analysis requested of the Secretary-General of the United Nations Conference on Trade and Development in paragraph 5 of Trade and Development Board decision 384 (XXXVII) concerning the issue of sustainable development, in particular the reduction of poverty and its interface with policies and mechanisms in environmentally sensitive sectors, such as agriculture, energy, industry and transport, as well as with relevant structural policies, such as those related to the enterprise sector;

(*b*) Adjustment of the Trade Control Measures Information System of the United Nations Conference on Trade and Development to monitor environmental regulations for possible protectionism and to monitor non-tariff measures that have a bearing on the environment, in accordance with paragraph 6 of Trade and Development Board decision 384 (XXXVII);

2. *Requests* the Secretary-General of the United Nations Conference on Environment and Development to consult the Secretary-General of the United Nations Conference on Trade and Development and relevant United Nations organs, organizations and programmes in preparing the report on transfer of technology requested in decision 1/8 of 30 August 1990, adopted by the Preparatory Committee for the United Nations Conference on Environment and Development at its first substantive session (*ibid.*), for submission to the third session of the Preparatory Committee, including an examination of the obstacles on both the importing and exporting sides that impede the transfer of environmentally sound technologies.

Draft resolution II

UNITED NATIONS CONFERENCE ON ENVIRONMENT AND DEVELOPMENT

The General Assembly,

Recalling the report of the Preparatory Committee for the United Nations Conference on Environment and Development on its organizational session, held in New York from 5 to 16 March 1990,[2]

Having considered the report of the Preparatory Committee on its first session, held at Nairobi from 6 to 31 August 1990 (A/45/46),

1. *Reaffirms* its resolution 44/228 of 22 December 1989 on the United Nations Conference on Environment and Development;

2. *Stresses* the fundamental interrelationship between environment and development, and reiterates the need to integrate and keep the balance between the environmental and developmental dimensions during the entire preparatory process and during the Conference, and the need for cross-sectoral issues to be fully integrated into that work;

3. *Endorses* the decisions contained in the report of the Preparatory Committee for the United Nations Conference on Environment and Development on its organizational session;[2]

4. *Takes note* of the report of the Preparatory Committee on its first session and endorses the decisions contained therein (*ibid.*, annex I);

5. *Decides* that the United Nations Conference on Environment and Development shall take place at Rio de Janeiro, Brazil, from 1 to 12 June 1992;

6. *Urges* that representation at the Conference be at the level of head of State or Government;

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[3] See *Official Records of the General Assembly, Forty-fourth Session, Supplement No.* 25 (A/44/25), annex I.

7. *Invites* the Secretary-General of the United Nations to issue invitations to all States Members of the United Nations or members of the specialized agencies and observers, in accordance with the established practice of the General Assembly;

8. *Expresses its appreciation* to the Governments that have contributed to the Voluntary Fund for the United Nations Conference on Environment and Development, and invites Governments to contribute urgently and generously to the Fund in order that the operation of the Fund may enable developing countries, in particular the least developed among them, to participate fully and effectively in the Conference and in its preparatory process, in accordance with section II, paragraph 15, of resolution 44/228;

9. *Calls upon* the United Nations Environment Programme and other organs, organizations and bodies of the United Nations system to continue to give full support to the preparatory process for the Conference and assist the Secretary-General of the United Nations Conference on Environment and Development in the implementation of the work programme, in conformity with resolution 44/228;

10. *Requests* the organs, organizations and bodies of the United Nations system to extend full co-operation to developing countries in order to ensure that appropriate preparations for the forthcoming sessions of the Preparatory Committee are made, in particular in all aspects relating to linkages between environment and development, including the identification of concrete measures and action to ensure that these issues are treated in a balanced and integrated way;

11. *Endorses* Preparatory Committee decision 1/7 of 29 August 1990 concerning the dates of the second and third sessions of the Preparatory Committee (*ibid.*);

12. *Requests* the Secretary-General of the United Nations Conference on Environment and Development to ensure the timely submission to the Preparatory Committee at its second and third sessions of the reports requested at its first session;

13. *Takes note* of the provisions of Preparatory Committee decision 1/1 of 14 August 1990 (*ibid.*) and authorizes the Preparatory Committee, without prejudice to the provisions of resolution 44/228, to continue to apply, for the purpose of the preparatory process, the provisional arrangements agreed upon in that decision concerning the participation of non-governmental organizations in the preparatory process;

14. *Reiterates* that the Preparatory Committee shall review and assess ongoing negotiating processes in the field of the environment, and invites the forums involved in such processes to report regularly on their activities to the Preparatory Committee at its forthcoming sessions, in accordance with the guidelines and requirements established by the Preparatory Committee.

DOCUMENT A/45/851

Report of the Second Committee on agenda item 81

[*Original: English*]
[*17 December 1990*]

1. At its 3rd plenary meeting, on 21 September 1990, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its forty-fifth session, as item 81, and to allocate to the Second Committee for consideration and report, the item entitled "Protection of global climate for present and future generations of mankind".

2. The Second Committee considered the item at its 39th to 43rd, 51st and 54th meetings, from 12 to 14 November and on 5 and 11 December 1990. An account of the Committee's discussions is contained in the relevant summary records (see A/C.2/45/SR.39-43, 51 and 54). Attention is also drawn to the general debate held by the Committee on all the items allocated to it at its 2nd to 9th meetings, from 8 to 11 October (see A/C.2/45/SR.2-9).

3. For its consideration of the item, the Committee had before it the following documents:

[*See the list of documents at the end of the present fascicle.*]

4. At the 39th meeting, introductory statements were made by the Under-Secretary-General and Executive Director of the United Nations Environment Programme, the Secretary-General of the United Nations Conference on Environment and Development, the Secretary-General of the World Meteorological Organization and the Under-Secretary-General for Ocean Affairs and the Law of the Sea.

Consideration of proposals

Draft resolutions A/C.2/45/L.66 and L.93

5. At the 51st meeting, the representative of Malta, on behalf of Bangladesh, Canada, Cape Verde, Cameroon, Chile, Czechoslovakia, Fiji, Finland, Iceland, Japan, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Morocco, Nepal, Norway, Papua New Guinea, Romania, Saint Lucia, Samoa, Sweden, Thailand, Togo, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay and Vanuatu, subsequently joined by Argentina, Australia, Austria, Belgium, Benin, Brazil, Colombia, Denmark, France, Germany, Greece, Guatemala, Ireland, Italy, Jordan, Luxembourg, Mexico, the Netherlands, New Zealand, Nigeria, the Philippines, Portugal, Saint Kitts and Nevis, Spain, Trinidad and Tobago, Turkey, United Kingdom of Great Britain and Northern Ireland and Yugoslavia, introduced a draft resolution (A/C.2/45/L.66) entitled "Protection of global climate for present and future generations of mankind". The draft resolution read as follows:

> "*The General Assembly,*
>
> "*Recalling* its resolutions 43/53 of 6 December 1988 and 44/207 of 22 December 1989, in which it recognized that climate change is a common concern of mankind, and urging Governments, intergovernmental and non-governmental organizations and scientific institutions to

join in a concerted effort with the aim of preparing, as a matter of urgency, a framework convention on climate, and other related instruments, containing appropriate commitments for action to combat climate change and its adverse effects, taking into account the most up-to-date, sound scientific knowledge and any existing uncertainties and taking into consideration the specific needs of developing countries,

"*Recalling also* its resolution 44/206 of 22 December 1989 on the possible adverse effects of sea-level rise on islands and coastal areas, particularly low-lying coastal areas,

"*Recalling further* its resolution 44/228 of 22 December 1989 concerning the convening of the United Nations Conference on Environment and Development,

"*Taking note* of the relevant resolutions and decisions of the Governing Council of the United Nations Environment Programme and of the Executive Council of the World Meteorological Organization,

"*Taking note also* of the recommendations and decisions of the Preparatory Committee for the United Nations Conference on Environment and Development, adopted at its first session (see A/45/46),

"*Expressing its appreciation* for the valuable work accomplished by the Intergovernmental Panel on Climate Change, which has completed its first assessment report,

"*Noting* the relevant conclusions and recommendations on climate change adopted at various intergovernmental meetings during 1990,

"*Welcoming* the fact that several countries, both individually and collectively, have already taken measures or made specific commitments to address the problem of climate change and its effects through the stabilization and/or reduction of environmentally harmful emissions of greenhouse gases, and that other countries are contemplating doing so,

"*Taking note* of the Ministerial Declaration and conclusions adopted at the Second World Climate Conference, held at Geneva from 29 October to 7 November 1990 (see A/45/696/Add.1),

"*Noting* that, pursuant to paragraph 10 of General Assembly resolution 44/207, resolution 4 (EC-XLII) of 22 June 1990 of the Executive Council of the World Meteorological Organization and decision SS.II/3 of 3 August 1990, adopted by the Governing Council of the United Nations Environment Programme at its second special session, an *Ad Hoc* Working Group of Government Representatives to prepare for negotiations on a framework convention on climate change met at Geneva from 24 to 26 September 1990 and adopted a number of recommendations (A/45/696, annex I),

"*Recognizing* the continuing need for scientific research into the sources and effects of climate change, including the socio-economic consequences, and the effectiveness of possible response strategies, and recognizing also the importance of the active participation of developing countries in climate-related research,

"1. *Decides* to establish a single intergovernmental negotiating process under the auspices of the General Assembly, supported by the United Nations Environment Programme and the World Meteorological Organization, for the preparation of an effective framework convention on climate change, containing appropriate commitments, and any related instruments as might be agreed upon, taking into account the work of the Intergovernmental Panel on Climate Change, the results achieved at international meetings on the subject, including the Second World Climate Conference, as well as proposals that may be submitted by States participating in the negotiating process;

"2. *Decides* that the negotiating process should be open to all States Members of the United Nations or members of the specialized agencies or the International Atomic Energy Agency, with the participation of observers in accordance with the practice established by the General Assembly;

"3. *Encourages* the organization of broad-based preparatory processes at the national level involving the scientific community, industry, trade unions, appropriate non-governmental organizations and other interested groups;

"4. *Decides* that the first negotiating session should be held in Washington, D.C., in February 1991 and that, subject to review of the timetable at the end of each negotiating session and taking into account the schedule of other intergovernmental meetings on environment and development matters, further meetings should generally be held at Geneva in May/June, August/September and November/December 1991 and, as appropriate, between January and June 1992, on the understanding that at least one of the meetings in 1991 would be held at Nairobi;

"5. *Also decides* that the maximum duration of each of the negotiating sessions should be two weeks;

"6. *Considers* that the negotiations for the preparation of an effective framework convention on climate change, containing appropriate commitments, and any related instruments as might be agreed upon, should be completed in time for signature at the United Nations Conference on Environment and Development in June 1992 and should be signed during the Conference;

"7. *Reaffirms* the principles embodied in its resolutions 44/207 and 44/228, as well as those reflected in the Ministerial Declaration and the conclusions adopted at the Second World Climate Conference, which take into account the concerns of all States and the specific needs of developing countries, as the framework for the negotiations;

"8. *Decides* to establish a special voluntary fund to ensure that developing countries, including small island States, in particular the least developed among them, are able to participate fully and effectively in the negotiating process, and invites Governments and regional economic integration organizations to contribute to the fund;

"9. *Decides* that at the first session of the negotiating process, to be held in Washington, a Bureau consisting of a Chairman, three Vice-Chairmen and a Rapporteur shall be elected, with due regard to equitable geographical representation and the need to reflect a balance of interests and specific concerns;

"10. *Requests* the Secretary-General of the United Nations, in consultation with the Executive Director of the United Nations Environment Programme and the Secretary-General of the World Meteorological Organization, as well as with the executive heads of other United Nations bodies with expertise in the field of development, to establish at Geneva an *ad hoc* secretariat of appropriate size and quality, consisting mainly of Professional staff of the United Nations Environment Programme and the World Meteorological Organization, co-ordinated by those two organizations and supplemented by staff from other bodies of the United Nations system, as appropriate, in order to ensure that the *ad hoc* secretariat embodies the requisite expertise in the fields of environment, energy, agriculture and forestry, climate and development;

"11. *Decides* that the Secretary-General of the United Nations shall appoint as head of the *ad hoc* secretariat a senior official of an appropriate level, who shall act under the guidance of the negotiating body;

"12. *Requests* the head of the *ad hoc* secretariat to co-operate closely with the Intergovernmental Panel on Climate Change to ensure that the Panel can respond to the needs and requests for objective scientific and technical advice made during the negotiating process;

"13. *Also requests* the head of the *ad hoc* secretariat to make available at the first session of the negotiating process the first assessment report of the Intergovernmental Panel on Climate Change, including information on its legal and institutional mechanisms, as well as background documentation, as a basis for the negotiations, together with the Ministerial Declaration of the Second World Climate Conference and other relevant documents;

"14. *Requests* the Chairman of the negotiating process, taking into account the relevance of the negotiations to the United Nations Conference on Environment and Development, to keep the Preparatory Committee for the Conference and the Secretary-General of the Conference, as well as the Secretary-General of the United Nations, regularly informed of the progress of the negotiations;

"15. *Requests* that the negotiating process take into account, as appropriate, any relevant developments in the preparations for the United Nations Conference on Environment and Development which the Preparatory Committee may bring to its attention;

"16. *Requests* the *ad hoc* secretariat of the negotiating process to submit a report to the United Nations Conference on Environment and Development in 1992 on the outcome of the negotiations, as well as on possible future steps in the field of climate change;

"17. *Requests* relevant non-governmental organizations to contribute to the work of the negotiating process, as appropriate;

"18. *Decides* that the negotiating process shall be funded through existing United Nations budgetary resources, through contributions from the World Meteorological Organization and the Environment Fund and through voluntary contributions to a trust fund established specifically for that purpose for the duration of the negotiations and administered by the head of the *ad hoc* secretariat under the authority of the Secretary-General of the United Nations;

"19. *Invites* Governments, regional economic integration organizations and other interested organizations to contribute generously to the trust fund;

"20. *Requests* the head of the *ad hoc* secretariat to prepare draft rules of procedure for consideration by the negotiating process at its first session;

"21. *Requests* the Secretary-General of the United Nations to submit to the General Assembly at its forty-sixth session a report on the progress of the negotiations;

"22. *Decides* to include in the agenda of its forty-sixth session the item entitled 'Protection of global climate for present and future generations of mankind'."

6. At its 54th meeting, the Committee had before it a statement (A/C.2/45/L.88) on the programme budget implications of draft resolution A/C.2/45/L.66, submitted by the Secretary-General in accordance with rule 153 of the rules of procedure of the General Assembly.

7. At the same meeting, Mr. Ahmed Amaziane, Vice-Chairman of the Committee, introduced a draft resolution (A/C.2/45/L.93), which he submitted on the basis of informal consultations held on draft resolution A/C.2/45/L.66 and orally revised as follows:

(*a*) In paragraph 2, the words "of the United Nations system" were deleted after the words "specialized agencies";

(*b*) In paragraph 4, the words "and November/December" were inserted after the word "September";

(*c*) In paragraph 15, the word "including" was inserted before the words "its paper on";

(*d*) In paragraph 16, the word "regularly" was inserted before the words "informed in a timely manner".

8. Before action was taken on the draft resolution, statements were made by the representatives of Australia, Austria, Burundi, Egypt, France, Italy (on behalf of the States Members of the United Nations that are members of the European Community), Kenya, Malta, Norway, the Philippines and the United Republic of Tanzania.

9. Also at its 54th meeting, the Committee adopted draft resolution A/C.2/45/L.93, as orally revised (see para. 13 below).

10. After the adoption of the draft resolution, the representative of Tunisia made a statement.

11. In the light of the adoption of draft resolution A/C.2/45/L.93, draft resolution A/C.2/45/L.66 was withdrawn by its sponsors.

12. At the same meeting, on the proposal of the Chairman, the Committee decided to recommend to the General Assembly that it should take note of the report of the Secretary-General on the progress achieved in the implementation of resolution 44/207 on protection of global climate for present and future generations of mankind (A/45/696 and Add.1) (see para. 14 below).

Recommendations of the Second Committee

13. The Second Committee recommends to the General Assembly the adoption of the following draft resolution:

PROTECTION OF GLOBAL CLIMATE FOR PRESENT AND FUTURE GENERATIONS OF MANKIND

The General Assembly,

Recalling its resolutions 43/53 of 6 December 1988 and 44/207 of 22 December 1989, in which it recognized that climate change is a common concern of mankind, and urging

Governments and, as appropriate, intergovernmental and non-governmental organizations and scientific institutions, to collaborate in a concerted effort with the aim of preparing, as a matter of urgency, a framework convention on climate change, and other related instruments, containing appropriate commitments for action to combat climate change and its adverse effects, taking into account the most up-to-date, sound scientific knowledge and any existing uncertainties, as well as the particular needs and development priorities of developing countries,

Recalling also its resolution 44/206 of 22 December 1989 on the possible adverse effects of sea-level rise on islands and coastal areas, particularly low-lying coastal areas,

Recalling further its resolution 44/228 of 22 December 1989 on the United Nations Conference on Environment and Development,

Taking note of the relevant resolutions and decisions of the Governing Council of the United Nations Environment Programme and of the Executive Council of the World Meteorological Organization,

Taking note also of the recommendations and decisions of the Preparatory Committee for the United Nations Conference on Environment and Development, adopted at its organizational session[4] and at its first session (see A/45/46),

Noting the important work accomplished by the Intergovernmental Panel on Climate Change, which has completed its first assessment report,

Noting also the relevant conclusions and recommendations on climate change adopted at various intergovernmental meetings during 1990,

Noting further the fact that the largest part of the current emission of pollutants into the environment originates in developed countries, and recognizing therefore that those countries have the main responsibility for combating such pollution,

Welcoming the fact that several countries and a regional economic integration organization have already taken measures or made specific commitments to address the problem of climate change and its effects through the stabilization and/or reduction of environmentally harmful emissions of greenhouse gases, and that other countries are contemplating doing so,

Noting that, pursuant to paragraph 10 of General Assembly resolution 44/207, resolution 4 (EC-XLII) of 22 June 1990 of the Executive Council of the World Meteorological Organization and decision SS.II/3 of 3 August 1990, adopted by the Governing Council of the United Nations Environment Programme at its second special session (see A/45/25, annex), an *Ad Hoc* Working Group of Government Representatives to prepare for negotiations on a framework convention on climate change met at Geneva from 24 to 26 September 1990 and adopted a number of recommendations (A/45/696, annex I),

Recognizing the continuing need for scientific research into the sources and effects of climate change and its possible adverse impact, including the socio-economic consequences, and the effectiveness of possible response strategies, and recognizing also the importance of the active participation of developing countries and the need to assist and co-operate with them in climate-related research and action,

1. *Decides* to establish a single intergovernmental negotiating process under the auspices of the General Assembly, supported by the United Nations Environment Programme and the World Meteorological Organization, for the preparation by an Intergovernmental Negotiating Committee of an effective framework convention on climate change, containing appropriate commitments, and any related instruments as might be agreed upon, taking into account proposals that may be submitted by States participating in the negotiating process, the work of the Intergovernmental Panel on Climate Change and the results achieved at international meetings on the subject, including the Second World Climate Conference;

2. *Decides* that the Intergovernmental Negotiating Committee should be open to all States Members of the United Nations or members of the specialized agencies, with the participation of observers in accordance with the established practice of the General Assembly;

3. *Welcomes* the organization of a broad-based preparatory process at the national level involving, as appropriate, the scientific community, industry, trade unions, non-governmental organizations and other interested groups;

4. *Decides* that the first negotiating session should be held in Washington, D.C., in February 1991 and that, subject to review of the timetable at the end of each negotiating session and taking into account the schedule of other intergovernmental meetings on environment and development matters, in particular the sessions of the Preparatory Committee for the United Nations Conference on Environment and Development, further meetings should be held at Geneva and at Nairobi, in May/June, September and November/December 1991 and, as appropriate, between January and June 1992;

5. *Authorizes* the Secretary-General of the United Nations, with the assistance of the Executive Director of the United Nations Environment Programme and the Secretary-General of the World Meteorological Organization, pending the establishment of an *ad hoc* secretariat for the Intergovernmental Negotiating Committee, to convene, exceptionally, the first session of the Intergovernmental Negotiating Committee, to be held in Washington, D.C., in February 1991; the subsequent sessions of the Committee shall be convened by the *ad hoc* secretariat;

6. *Decides* that the maximum duration of each of the negotiating sessions should be two weeks;

7. *Considers* that the negotiations for the preparation of an effective framework convention on climate change, containing appropriate commitments, and any related legal instruments as might be agreed upon, should be completed prior to the United Nations Conference on Environment and Development in June 1992 and opened for signature during the Conference;

8. *Reaffirms* the principles embodied in its resolutions 44/207 and 44/228, which take into account the concerns of all States and the specific needs of developing countries;

9. *Takes account* of the Ministerial Declaration adopted at the Second World Climate Conference, held at Geneva from 29 October to 7 November 1990 (A/45/696/Add.1, annex III);

10. *Decides* to establish a special voluntary fund, administered by the head of the *ad hoc* secretariat under the authority of the Secretary-General of the United Nations,

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[4] See *Official Records of the General Assembly, Forty-fourth Session, Supplement No. 48*, (A/44/48)

to ensure that developing countries, in particular the least developed among them, as well as small island developing countries, are able to participate fully and effectively in the negotiating process, and invites Governments, regional economic integration organizations and other interested organizations to contribute generously to the fund;

11. *Recommends* that, at the first session of the Intergovernmental Negotiating Committee, to be held in Washington, D.C., a Bureau consisting of a Chairman, three Vice-Chairmen and a Rapporteur shall be elected, each of the five regional groups being represented by one member;

12. *Requests* the Secretary-General of the United Nations, in consultation with the Executive Director of the United Nations Environment Programme and the Secretary-General of the World Meteorological Organization, as well as with the executive heads of United Nations bodies with expertise in the field of development, to establish as soon as possible at Geneva an *ad hoc* secretariat of appropriate size and quality, consisting mainly of Professional staff of the United Nations Environment Programme and the World Meteorological Organization, taking into account the need to ensure that the work programmes of those two organizations are not negatively affected, to be co-ordinated by those two organizations in consultation and co-operation with the head of the *ad hoc* secretariat and supplemented by staff from other bodies of the United Nations system, as appropriate, in order to ensure that the *ad hoc* secretariat embodies the requisite technical expertise;

13. *Decides* that the Secretary-General of the United Nations shall appoint as head of the *ad hoc* secretariat a senior official of an appropriate level, who shall act under the guidance of the Intergovernmental Negotiating Committee;

14. *Requests* the head of the *ad hoc* secretariat to co-operate closely with the Intergovernmental Panel on Climate Change to ensure that the Panel can respond to the needs and requests for objective scientific and technical advice made during the negotiating process;

15. *Also requests* the head of the *ad hoc* secretariat to make available, at the first session of the Intergovernmental Negotiating Committee, the first assessment report of the Intergovernmental Panel on Climate Change, including its paper on legal measures, as well as the background documentation prepared for the Panel, as inputs for the negotiations, together with the Ministerial Declaration of the Second World Climate Conference (*ibid.*) and other relevant documents;

16. *Requests* the Intergovernmental Negotiating Committee, through the *ad hoc* secretariat and taking into account the relevance of the negotiations to the United Nations Conference on Environment and Development, to keep the Preparatory Committee for the Conference and the Secretary-General of the Conference, as well as the Secretary-General of the United Nations, regularly informed in a timely manner, through regular progress reports, of the progress of the negotiations;

17. *Also requests* the Intergovernmental Negotiating Committee to take into account, as appropriate, any relevant developments in the preparations for the United Nations Conference on Environment and Development that the Preparatory Committee may bring to its attention;

18. *Requests* the Chairman of the Intergovernmental Negotiating Committee, on behalf of the Committee, to submit a report to the United Nations Conference on Environment and Development in 1992 on the outcome of the negotiations, as well as on possible future steps in the field of climate change;

19. *Invites* relevant non-governmental organizations to make contributions to the negotiating process, as appropriate, on the understanding that these organizations shall not have any negotiating role during the process and taking into account decision 1/1 concerning the participation of non-governmental organizations adopted by the Preparatory Committee for the United Nations Conference on Environment and Development at its first session (see A/45/46, annex I);

20. *Decides* that the negotiating process shall be funded through existing United Nations budgetary resources, without negatively affecting its programmed activities, and through voluntary contributions to a trust fund established specifically for that purpose for the duration of the negotiations and administered by the head of the *ad hoc* secretariat under the authority of the Secretary-General of the United Nations;

21. *Invites* the World Meteorological Organization and the United Nations Environment Programme and other relevant bodies of the United Nations system, including those in the field of development, to make appropriate contributions to the negotiating process, including its funding;

22. *Invites* Governments, regional economic integration organizations and other interested organizations to contribute generously to the trust fund;

23. *Requests* the head of the *ad hoc* secretariat to prepare draft rules of procedure for consideration by the Intergovernmental Negotiating Committee at its first session;

24. *Requests* the Secretary-General of the United Nations to submit to the General Assembly at its forty-sixth session a report on the progress of the negotiations;

25. *Decides* to include in the provisional agenda of its forty-sixth session the item entitled "Protection of global climate for present and future generations of mankind".

* * *

14. The Second Committee also recommends to the General Assembly the adoption of the following draft decision:

REPORT OF THE SECRETARY-GENERAL ON THE PROGRESS ACHIEVED IN THE IMPLEMENTATION OF RESOLUTION 44/207 ON PROTECTION OF GLOBAL CLIMATE FOR PRESENT AND FUTURE GENERATIONS OF MANKIND

The General Assembly decides to take note of the report of the Secretary-General on the progress achieved in the implementation of resolution 44/207 on protection of global climate for present and future generations of mankind (A/45/696 and Add.1).

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 71st plenary meeting, on 21 December 1990, the General Assembly adopted draft resolutions I and II submitted by the Second Committee in its report (A/45/850, para. 13). For the final texts, see resolutions 45/210 and 45/211.[5]

At the same meeting, the Assembly adopted the draft resolution and the draft decision submitted by the Second Committee in its report (A/45/851, paras. 13 and 14). For the final texts, see resolution 45/212 and decision 45/445.[5]

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[5] See *Official Records of the General Assembly, Forty-fifth Session, Supplement No. 49*.

LIST OF OTHER DOCUMENTS PERTAINING TO THE ITEMS

Symbol	*Title or description*	*Agenda item*	*Observations and references*
A/45/3 and Add.1 and 2	Report of the Economic and Social Council for the year 1990	80 and 81	For the final text, see A/45/3/Rev.1
A/45/3/Rev.1	*Idem*	80 and 81	*Official Records of the General Assembly, Forty-fifth Session, Supplement No. 3*
A/45/46	Report of the Preparatory Committee for the United Nations Conference on Environment and Development	80	*Ibid., Supplement No. 46*
A/45/177	Letter dated 20 March 1990 from the representative of the Union of Soviet Socialist Republics to the Secretary-General	80 and 81	
A/45/302	Letter dated 1 June 1990 from the representative of Ecuador to the Secretary-General	80	
A/45/303	Letter dated 5 June 1990 from the representative of Malaysia to the Secretary-General transmitting the text of the joint communiqué adopted at the First Meeting of the Summit Level Group for South-South Consultations and Co-operation, Group of 15, held at Kuala Lumpur from 1 to 3 June 1990	80 and 81	
A/45/313	Letter dated 12 June 1990 from the representative of Guyana to the Secretary-General transmitting the joint press release issued by Guyana and the Commonwealth Secretariat on the occasion of World Environment Day	80	
A/45/336-S/21385	Letter dated 29 June 1990 from the representative of Ireland to the Secretary-General transmitting the text of the conclusions adopted by the heads of State or Government of the 12 member States of the European Community at the meeting of the European Council held at Dublin on 25 and 26 June 1990	80	
A/45/345	Letter dated 12 July 1990 from the representative of Guyana to the Secretary-General transmitting the report on the Programme of Sustainable Tropical Forestry prepared by a Commonwealth Group of Experts	80	
A/45/361	Letter dated 27 June 1990 from the representative of Malaysia to the Secretary-General transmitting the text of the Kuala Lumpur Accord on Environment and Development agreed upon at the Fourth Meeting of Ministers for the Environment of the member countries of the Association of South East Asian Nations on 19 June 1990	80 and 81	
A/45/456	Letter dated 27 August 1990 from the representative of Vanuatu to the Secretary-General transmitting the text of the final communiqué of the Twenty-first South Pacific Forum, held at Port Vila on 31 July and 1 August 1990	80 and 81	
A/45/584	Letter dated 4 October 1990 from the representative of Bolivia to the Secretary-General transmitting the text of a declaration adopted by the Ministers for Foreign Affairs of the States members of the Group of 77 at their fourteenth annual meeting, held in New York on 3 October 1990	80	
A/45/598-S/21854	Letter dated 3 October 1990 from the Minister for Foreign Affairs of the Union of Soviet Socialist Republics and the Secretary of State of the United States of America to the Secretary-General	80 and 81	
A/45/666	Note verbale dated 23 October 1990 from the representative of Italy to the Secretary-General	80 and 81	
A/45/675	Letter dated 26 October 1990 from the representative of Venezuela to the Secretary-General transmitting the texts of documents issued by the Presidents of the States members of the Rio Group at the Fourth Summit Meeting of the Permanent Mechanism for Consultation and Concerted Political Action, held at Caracas on 11 and 12 October 1990	80	

Symbol	*Title or description*	*Agenda item*	*Observations and references*
A/45/696 and Add.1	Report of the Secretary-General	81	
A/45/803	Letter dated 14 November 1990 from the representative of Trinidad and Tobago to the Secretary-General transmitting the text of a communiqué of the meeting of Commonwealth Finance Ministers held at Port-of-Spain on 19 and 20 September 1990	80 and 81	
A/45/846	Letter dated 12 December 1990 from the representative of Jamaica to the Secretary-General transmitting the text of the communiqué of the Eleventh Meeting of the Conference of Heads of Government of the Caribbean Community, held at Kingston from 31 July to 2 August 1990	80	
A/C.2/45/12	Letter dated 14 November 1990 from the representative of Trinidad and Tobago to the Secretary-General transmitting the text of A Call to Action: communiqué from the Seventh Ministerial Meeting on the Environment in Latin America and the Caribbean, held at Port-of-Spain on 22 and 23 October 1990, and the text of the Port-of-Spain Accord on the Management and Conservation of the Caribbean Environment issued by the First Ministerial Conference on the Environment of the Caribbean Community, held at Port-of-Spain from 31 May to 2 June 1989	80 and 81	
A/C.2/45/L.59	Draft resolution	80	See A/45/850, para. 5
A/C.2/45/L.60	*Idem*	80	*Ibid.*, para. 9
A/C.2/45/L.66	*Idem*	81	See A/45/851, para. 5
A/C.2/45/L.82	*Idem*	80	See A/45/850, paras. 10 and 13, draft resolution II
A/C.2/45/L.88	Programme budget implications of draft resolution A/C.2/45/L.66	81	
A/C.2/45/L.93	Draft resolution	81	See A/45/851, paras. 7 and 13
A/C.2/45/L.95	*Idem*	80	See A/45/850, paras. 6 and 13, draft resolution I
	Programme budget implications of the draft resolution submitted by the Second Committee in document A/45/851		
A/C.5/45/70	Note by the Secretary-General	81	
A/45/874	Report of the Fifth Committee	81	See annex fascicle, agenda item 118

United Nations

GENERAL ASSEMBLY

Official Records

Agenda item 82

ANNEXES

FORTY-FIFTH SESSION

NEW YORK, 1990/1991

Agenda item 82: International co-operation for the eradication of poverty in developing countries*

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List of other documents pertaining to the item 2

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* For the records of the relevant meetings, see *Official Records of the General Assembly, Forty-fifth Session, Second Committee*, 2nd to 9th, 31st, 32nd, 43rd and 49th meetings, and corrigendum; and *ibid., Plenary Meetings*, 71st meeting.

DOCUMENT A/45/852

Report of the Second Committee

[*Original: English*]
[*12 December 1990*]

1. At its 3rd plenary meeting, on 21 September 1990, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its forty-fifth session, as item 82, and to allocate to the Second Committee for consideration and report, the item entitled "International co-operation for the eradication of poverty in developing countries".

2. The Second Committee considered the item at its 31st, 32nd, 43rd and 49th meetings, on 5, 6, 14 and 28 November 1990. An account of the Committee's discussions is contained in the relevant summary records (see A/C.2/45/SR.31, 32, 43 and 49). Attention is also drawn to the general debate held by the Committee on all the items allocated to it at its 2nd to 9th meetings, from 8 to 11 October (see A/C.2/45/SR.2-9).

3. For its consideration of the item, the Committee had before it the following documents:

[*See the list of documents at the end of the present fascicle.*]

4. At the 31st meeting, the Under-Secretary-General for International Economic and Social Affairs made an introductory statement.

Consideration of proposals

Draft resolution A/C.2/45/L.41

5. At the 43rd meeting, the representative of Bolivia, on behalf of the States Members which are members of the Group of 77, introduced a draft resolution (A/C.2/45/L.41).

6. At the 49th meeting, Mr. Ahmed Amaziane (Morocco), Vice-Chairman of the Committee, informed the Committee of the results of the informal consultations held on the draft resolution.

7. At the same meeting, the Committee adopted draft resolution A/C.2/45/L.41 (see para. 10 below).

8. After the adoption of the draft resolution, the representative of Colombia made a statement.

Report of the Secretary-General on international co-operation for the eradication of poverty in developing countries

9. Also at the 49th meeting, on the proposal of the Chairman, the Committee decided to recommend to the General Assembly that it take note of the report of the Secretary-General on international co-operation for the eradication of poverty in developing countries (A/45/398) (see para. 11 below).

Recommendations of the Second Committee

10. The Second Committee recommends to the General Assembly the adoption of the following draft resolution:

INTERNATIONAL CO-OPERATION FOR THE ERADICATION OF POVERTY IN THE DEVELOPING COUNTRIES

The General Assembly,

Recalling its resolutions 43/195 of 20 December 1988 and 44/212 of 22 December 1989, Economic and Social Council resolution 1988/47 of 27 May 1988 and Commission on Human Rights resolution 1989/10 of 2 March 1989 concerning extreme poverty,[1]

Recalling also the Declaration on International Economic Co-operation, in particular the Revitalization of Economic Growth and Development of the Developing Countries, contained in the annex to its resolution S-18/3 of 1 May 1990, and the International Development Strategy for the Fourth United Nations Development Decade, contained in the annex to its resolution 45/199 of 21 December 1990, as well as the Paris Declaration adopted by the Second United Nations Conference on the Least Developed Countries on 14 September 1990,[2]

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[1] See *Official Records of the Economic and Social Council, 1989, Supplement No. 2* (E/1989/20), chap. II, sect. A.

[2] See A/CONF.147/Misc.9.

Recognizing that a broad consensus is emerging on strategies to be pursued towards the achievement of the goal of the eradication of poverty,

Recognizing also the severity of poverty problems in developing countries,

Agrees that the eradication of poverty in the developing countries is an objective of the highest priority, and consequently urges the relevant organs, organizations and bodies of the United Nations system to formulate and implement forthwith, within their programmes and activities at all levels, necessary measures and actions to eradicate this distressing problem.

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11. The Second Committee also recommends to the General Assembly the adoption of the following draft decision:

REPORT OF THE SECRETARY-GENERAL ON INTERNATIONAL CO-OPERATION FOR THE ERADICATION OF POVERTY IN DEVELOPING COUNTRIES

The General Assembly decides to take note of the report of the Secretary-General on international co-operation for the eradication of poverty in developing countries (A/45/398).

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 71st plenary meeting, on 21 December 1990, the General Assembly adopted the draft resolution and the draft decision submitted by the Second Committee in its report (A/45/852, paras. 10 and 11). For the final texts, see resolution 45/213 and decision 45/446.[3]

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[3] See *Official Records of the General Assembly, Forty-fifth Session, Supplement No. 49.*

LIST OF OTHER DOCUMENTS PERTAINING TO THE ITEM

Symbol	*Title or description*	*Observations and references*
A/45/303	Letter dated 5 June 1990 from the representative of Malaysia to the Secretary-General transmitting the text of the joint communiqué adopted at the First Meeting of the Summit Level Group for South-South Consultations and Co-operation, Group of 15, held at Kuala Lumpur from 1 to 3 June 1990	
A/45/398	Report of the Secretary-General	
A/45/421-S/21797	Letter dated 19 September 1990 from the representative of Egypt to the Secretary-General transmitting the text of the documents adopted by the Nineteenth Islamic Conference of Foreign Ministers, held at Cairo from 31 July to 5 August 1990	
A/45/584	Letter dated 4 October 1990 from the representative of Bolivia to the Secretary-General transmitting the text of a declaration adopted by the Ministers for Foreign Affairs of the States members of the Group of 77 at their fourteenth annual meeting, held in New York on October 1990	
A/45/675	Letter dated 26 October 1990 from the representative of Venezuela to the Secretary-General transmitting the text of documents issued by the Presidents of the States members of the Rio Group at the Fourth Summit Meeting of the Permanent Mechanism for Consultation and Concerted Political Action, held at Caracas on 11 and 12 October 1990	
A/45/803	Letter dated 14 November 1990 from the representative of Trinidad and Tobago to the Secretary-General transmitting the text of a communiqué of the meeting of Commonwealth Finance Ministers held at Port-of-Spain on 19 and 20 September 1990	
A/C.2/45/L.41	Draft resolution	See A/45/852, paras. 5 and 10

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GENERAL ASSEMBLY

Official Records

Agenda item 83

ANNEXES

FORTY-FIFTH SESSION

NEW YORK, 1990/1991

Agenda item 83: External debt crisis and development*

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* For the records of the relevant meetings, see *Official Records of the General Assembly, Forty-fifth Session, Second Committee*, 2nd to 9th, 20th, 25th to 28th, 30th, 31st, 44th and 54th meetings, and corrigendum; and *ibid., Plenary Meetings*, 71st meeting. For the prior consideration of the question, see *Official Records of the General Assembly, Forty-fourth Session, Annexes*, agenda item 84.

DOCUMENT A/45/853

Report of the Second Committee

[*Original: English*]
[*14 December 1990*]

1. At its 3rd plenary meeting, on 21 September 1990, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its forty-fifth session, as item 83, and to allocate to the Second Committee for consideration and report, the item entitled "External debt crisis and development".

2. The Second Committee considered the item at its 20th, 25th to 28th, 30th, 31st, 44th and 54th meetings, on 23, 30 and 31 October, 5 and 19 November and 11 December 1990. An account of the Committee's discussions is contained in the relevant summary records (see A/C.2/45/SR.20, 25-28, 30, 31, 44 and 54).

3. Attention is also drawn to the general debate held by the Committee on all the items allocated to it at its 2nd to 9th meetings, from 8 to 11 October (see A/C.2/45/SR.2-9).

4. For its consideration of the item, the Committee had before it the following documents:

[*See the list of documents at the end of the present fascicle.*]

5. At the 20th meeting, an introductory statement was made by the Personal Representative of the Secretary-General on Debt.

6. At the 26th meeting, the Secretary-General made a statement.

Consideration of proposals

Draft decision contained in document A/C.2/45/L.5

7. By its decision 44/445 of 22 December 1989, the General Assembly, on the recommendation of the Second Committee, decided to defer until its forty-fifth session consideration of the draft decision entitled "Establishment of an advisory commission on debt and development" (see A/C.2/45/L.5).

8. At its 54th meeting, following a statement by Mr. Carlos Gianelli (Uruguay), Vice-Chairman of the Committee, and on the proposal of the Chairman, the Committee decided to recommend to the General Assembly that it should defer consideration of the draft decision contained in document A/C.2/45/L.5 until its forty-sixth session (see para. 17 below).

Draft resolutions A/C.2/45/L.44 and L.97

9. At the 44th meeting, the representative of Bolivia, on behalf of the States Members which are members of the Group of 77, introduced a draft resolution (A/C.2/45/L.44) entitled "International debt crisis and development: enhanced international co-operation towards a durable solution to the external debt problem of developing countries", which read as follows:

"*The General Assembly*,

"*Recalling* its resolutions 41/202 of 8 December 1986, 42/198 of 11 December 1987, 43/198 of 20 December 1988 and 44/205 of 22 December 1989,

"*Recalling also* the Declaration on International Economic Co-operation, in particular the Revitalization of Economic Growth and Development of the Developing Countries, adopted on 1 May 1990 by the General Assembly at its eighteenth special session,[1]

"*Recalling further* Trade and Development Board resolutions 165 (S-IX) of 11 March 1978,[2] 222 (XXI) of 27 September 1980,[3] 358 (XXXV) of 5 October 1988,[4] and 375 (XXXVI) of 13 October 1989[5] and taking note of Board resolution 388 (XXXVII) of 17 October 1990 (A/45/15, sect. III.B),

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[1] Resolution S-18/3, annex.

[2] See *Official Records of the General Assembly, Thirty-third Session, Supplement No. 15* (A/33/15), vol. I, part two, annex I.

[3] *Ibid., Thirty-fifth Session, Supplement No. 15* (A/35/15), vol. II, annex I.

[4] *Ibid., Forty-third Session, Supplement No. 15* (A/43/15), vol. II, sect. II.A.

[5] *Ibid., Forty-fourth Session, Supplement No. 15* (A/44/15), vol. II, sect. II.A.

"*Deeply concerned* that the problem of external indebtedness of developing countries persists, obstructing their growth and development and eroding their political and social stability,

"*Reaffirming* that one of the principal aims of any debt solution strategy should be that developing countries achieve sufficient growth levels to satisfy their social, economic and development needs,

"*Recognizing* that a durable solution of the debt problem is not achievable without a significant reduction in the stock and service of debt, and, in that context, welcoming the increasing acceptance by creditor countries of the need to write off and/or reduce the debt stock and debt service of developing countries,

"*Stressing* the need to broaden the scope, increase the financial resources and speed up the implementation of the various initiatives and measures aimed at debt reduction,

"*Recognizing* that measures for debt reduction need to be accompanied by vigorous efforts to create a favourable international economic environment to facilitate the reactivation of growth and development in developing countries,

"*Concerned* at the decline in the flow of financial resources to the developing countries for development and at the huge net transfer of financial resources from those countries, depriving them of the much needed resources for their growth and development,

"*Convinced* that a lasting solution to the debt problem of developing countries requires a co-ordinated and systematic approach, involving the full participation and co-operation of Governments of creditor and debtor countries, multilateral and financial institutions and private banks,

"*Stressing* the need for the urgent and full implementation of the commitments and policies contained in the Declaration on International Economic Co-operation, in particular the Revitalization of Economic Growth and Development of the Developing Countries, particularly those pertaining to the problem of external debt, as well as of the relevant provisions of the International Development Strategy for the Fourth United Nations Development Decade,[6]

"*Recognizing* the need for the intensification of efforts by the international community to resolve the severe debt crisis and to forestall its proliferation and prevent its further aggravation,

"1. *Expresses its appreciation* to the Secretary-General for his efforts to promote co-operation among debtor and creditor countries and multilateral financial institutions, with a view to finding a solution to the external debt problem of developing countries and, in that regard, stresses the need for the continuation and intensification of his efforts;

"2. *Takes note with interest* of the reports of the Secretary-General (A/45/656) and of his Personal Representative of Debt (A/45/380, annex), as well as the introductory statements made before the Second Committee by the Secretary-General on 30 October 1990 (see A/C.2/45/SR.26) and by his Personal Representative on 23 October 1990 (see A/C.2/45/SR.20);

"3. *Acknowledges* the various proposals made by developing countries to find a lasting solution to the external debt problem, and draws the attention of the international community to those proposals;

"4. *Recognizes* that the persistence of the debt problem constitutes a major obstacle to the economic growth and development of developing countries and poses a threat to their economic, social and political stability;

"5. *Recognizes also* that the revitalization of economic growth and development of the developing countries is not possible without an immediate solution to the problem of external indebtedness;

"6. *Stresses*, therefore, the need, during the initial years of the present decade, to search, through dialogue and shared responsibility, for a durable, equitable and mutually agreed growth and development oriented solution to the debt problem of developing countries, including those whose debt is mainly to official creditors or to multilateral institutions;

"7. *Recognizes* that economic growth and development of developing countries is essential for generating the necessary resources to enable them to service their debt;

"8. *Recognizes also* that there is a close interrelationship between the external debt problem of developing countries and the global economic environment, which needs to be markedly improved through the adoption of an appropriate mix of fiscal and monetary policies by the industrialized countries and enhanced access to markets of the products of the developing countries, as defined in paragraph 12 of the resolution 44/205;

"9. *Welcomes* the increasing acceptance by creditor countries of the need to write off and/or reduce the stock and debt-servicing of developing countries and acknowledges the contributions that the recent initiatives can make through urgent and mutually agreed action, which should provide for the maximum possible reduction of debt stock and service;

"10. *Stresses* the urgent need for the expeditious implementation of the various proposals and initiatives, as well as the need to strengthen those initiatives and broaden the scope of their application so as to include all categories of debt and all categories of debtor developing countries;

"11. *Stresses further* the need to intensify efforts to find an effective solution to the problem of external indebtedness of the least developed countries;

"12. *Recognizes* the need for forgiveness of official debt of the low-income countries, particularly of those in Africa, owed to the developed countries, and urges that appropriate action be taken in that regard;

"13. *Emphasizes* that measures for the reduction of debt stock and service should constitute additional relief and should not be at the expense of existing official development assistance;

"14. *Urges* the Governments of developed countries, as well as multilateral financial institutions, to take urgent measures to support effectively the debtor developing countries most seriously affected by the latest crisis; the multilateral institutions should, in particular, immediately provide expanded resources to meet the needs of those countries in the present situation and play a catalytic role in mobilizing additional assistance;

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[6] Resolution 45/199, annex.

“15. *Invites* the multilateral financial institutions to continue to review conditionality criteria, and stresses the need for increased co-operation between the International Monetary Fund, the World Bank and other multilateral financial institutions, which should not lead to cross-conditionality;

“16. *Stresses* that multilateral financing institutions should provide enhanced support for debt and debt-service reduction packages, with the necessary flexibility, under their established guidelines, and urges that serious attempts should also be made to find a solution to the debt-servicing problem of those developing countries whose debt is owed mainly to these institutions;

“17. *Emphasizes* the need to provide increased and substantial concessional resources to the developing countries, with a view to promoting the revival of economic growth and sustained development, and in that regard emphasizes the importance of the early attainment by the developed countries of the agreed international targets of devoting 0.7 per cent of gross national product to official development assistance, as well as the new target for an increase of official development assistance, including 0.20 per cent of gross national product for the least developed countries;

“18. *Recognizes* that a durable solution to the debt problem involves, *inter alia*, a substantial improvement in the access of the products of developing countries to the markets of developed countries and in their terms of trade, and affirms, in this context, the necessity of a timely, balanced and successful outcome of the Uruguay Round of multilateral trade negotiations that would result in the liberalization and expansion of world trade to the benefit of all countries, especially developing countries;

“19. *Notes with interest* the recommendations of the Personal Representative of the Secretary-General on Debt, and invites the Secretary-General expeditiously to follow up those recommendations, in consultation with Governments of a wide range of countries, at a high level, relevant international organizations and multilateral financial institutions, with special emphasis on the recommendations pertaining to debt forgiveness and reduction, the establishment of a co-ordinating committee within the multilateral financial institutions working closely with the regional development banks and the expansion of the role of the regional development banks, and the setting up of such banks as required, and to report to the General Assembly at its forty-sixth session on the outcome of his efforts;

“20. *Requests* the Secretary-General to report to the General Assembly at its forty-sixth session on the implementation of the present resolution.”

10. At its 54th meeting, the Committee had before it a draft resolution (A/C.2/45/L.97) entitled “International debt crisis and development: enhanced international co-operation towards a durable solution to the external debt problems of developing countries” submitted by Mr. Carlos Gianelli, Vice-Chairman of the Committee, on the basis of informal consultations held on draft resolution A/C.2/45/L.44.

11. In introducing the draft resolution, the Vice-Chairman drew attention to the following revisions:

(*a*) At the end of the eighth preambular paragraph, the words “and the Latin American Economic System” had been added;

(*b*) In paragraph 21, after “and in this context” the text had been revised to read “encourages Governments to give them appropriate consideration, as a new impulse to a better understanding of the different aspects of the debt problem”.

12. Before action was taken on the draft resolution, the representative of France made a statement.

13. At the same meeting, the Committee adopted draft resolution A/C.2/45/L.97 (see para. 16 below).

14. After the draft resolution was adopted, the representative of Japan made a statement.

15. In the light of the adoption of draft resolution A/C.2/45/L.97, draft resolution A/C.2/45/L.44 was withdrawn by its sponsors.

Recommendations of the Second Committee

16. The Second Committee recommends to the General Assembly the adoption of the following draft resolution:

INTERNATIONAL DEBT CRISIS AND DEVELOPMENT: ENHANCED INTERNATIONAL CO-OPERATION TOWARDS A DURABLE SOLUTION TO THE EXTERNAL DEBT PROBLEMS OF DEVELOPING COUNTRIES

The General Assembly,

Recalling its resolutions 41/202 of 8 December 1986, 42/198 of 11 December 1987, 43/198 of 20 December 1988 and 44/205 of 22 December 1989,

Recalling also the Declaration on International Economic Co-operation, in particular the Revitalization of Economic Growth and Development of the Developing Countries, contained in the annex to its resolution S-18/3 of 1 May 1990, and the International Development Strategy for the Fourth United Nations Development Decade, contained in the annex to its resolution 45/199 of 21 December 1990, and taking note of the Programme of Action for the Least Developed Countries for the 1990s, adopted by the Second United Nations Conference on the Least Developed Countries on 14 September 1990,[7]

Recalling further Trade and Development Board resolutions 165 (S-IX) of 11 March 1978,[2] 222 (XXI) of 27 September 1980,[3] 358 (XXXV) of 5 October 1988[4] and 375 (XXXVI) of 13 October 1989,[5] and taking note of Board resolution 388 (XXXVII) of 17 October 1990 (A/45/15, sect. III.B),

Recognizing that for many indebted developing countries an early and durable solution of the external debt problems is not achievable without, *inter alia*, a significant reduction in the stock and service of debt, and, in that context, welcoming the willingness of several creditor countries to reduce and/or write off debt stock or service on the bilateral official debt of many developing countries,

Emphasizing that it is essential for debtor developing countries to continue to pursue and intensify their efforts to raise savings and investment, reduce inflation and improve efficiency, taking into account their own individual characteristics and the vulnerability of the poorer strata of their populations,

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[7] See A/CONF.147/Misc.9.

Stressing that measures for debt reduction also need to be accompanied by vigorous efforts to improve the international economic environment in order to facilitate the reactivation of the growth and development of developing countries,

Noting with appreciation the recent developments in the evolving debt strategy,

Noting also the proposals made by developing countries and regional organizations, including the Organization of African Unity and the Latin American Economic System,

Stressing the urgent need for rapid and broad implementation of recent initiatives and measures to reduce the stock and service of external debt and to provide debt relief,

Concerned at the decline in the flow of financial resources to developing countries for development and at the large net transfer of resources from many of those countries, which deprives them of the much-needed resources for their growth and development,

Convinced that a durable solution to the debt problems of developing countries continues to require the full participation and full co-operation of Governments of creditor and debtor countries, multilateral financial institutions and private banks,

Stressing the need for urgent and full implementation of the commitments and policies contained in the Declaration on International Economic Co-operation, in particular the Revitalization of Economic Growth and Development of the Developing Countries, particularly those pertaining to the problem of external debt, as well as of the relevant provisions of the International Development Strategy for the Fourth United Nations Development Decade and of the Programme of Action for the Least Developed Countries for the 1990s,

Recognizing the need for the continuation of efforts by all the parties concerned to resolve the severe debt crisis and to forestall its proliferation and prevent its further aggravation,

Recognizing also the role of the multilateral financial institutions in dealing with debt problems of developing countries and the need to safeguard the high standing of those institutions in financial markets,

1. *Expresses its appreciation* to the Secretary-General for his efforts to promote understanding among debtor and creditor countries and multilateral financial institutions, with a view to contributing to a solution to the external debt problems of developing countries and, in that regard, stresses the need for the continuation of his efforts;

2. *Takes note with interest* of the reports of the Secretary-General (A/45/656) and of his Personal Representative on Debt (A/45/380, annex), as well as the introductory statements made before the Second Committee by the Secretary-General on 30 October 1990 (see A/C.2/45/SR.26) and by his Personal Representative on 23 October 1990 (see A/C.2/45/SR.20);

3. *Acknowledges* the recent initiatives and measures taken in the context of the evolving debt strategy with a view to contributing to the solution of the debt problems;

4. *Also acknowledges* the various proposals made by developing and developed countries with a view to finding a durable solution to the external debt problems, and draws the attention of the international community to those proposals;

5. *Welcomes* the willingness of several creditor countries to reduce and/or write off the stock and debt servicing of many developing countries;

6. *Stresses* the urgent need for the broadest and most expeditious implementation of the recent initiatives and for building upon them;

7. *Recognizes* that for a large number of developing countries external indebtedness impedes their economic growth and development, which threatens their economic, social and political stability;

8. *Stresses*, therefore, the need to continue to strive to achieve, through dialogue and shared responsibility, during the initial years of the present decade, a durable, equitable and mutually agreed growth- and development-oriented solution to the debt problems of developing countries, taking into account their particular circumstances, including those of the countries whose debt is mainly to official creditors or to multilateral institutions;

9. *Recognizes* that the economic growth and development of developing countries is essential for generating the resources necessary to enable them to service their debt;

10. *Also recognizes* that there is a close interrelationship between the external debt problems of developing countries and the global economic environment, which needs to be markedly improved through the adoption of an appropriate mix of fiscal, monetary and trade policies by all countries in accordance with their respective capacities and impact on the world economy;

11. *Further recognizes* that debtor countries should continue their efforts to attain efficiency and return to a path of sustained growth by adopting appropriate national economic policies;

12. *Takes note* of the ongoing efforts to address the debt problems of the least developed countries, and stresses the need to intensify ongoing efforts to find an effective solution to the problem of external indebtedness of those countries;

13. *Welcomes* the steps taken to forgive or reduce the official development assistance debt of the low-income countries, and urges that further appropriate action be taken in that regard, particularly for the countries in Africa;

14. *Emphasizes* that measures for the reduction of official debt stock and service should be implemented, taking into account the need for debtor countries to benefit from increased new financial flows, particularly official development assistance;

15. *Invites* the multilateral financial institutions to continue to provide support for debt and debt-service reduction packages, with the necessary flexibility under their established guidelines, and urges that serious attention be given to continuing to work towards a growth-oriented solution of the problems of developing countries with serious debt-servicing problems, including those whose debt is mainly to official creditors or to multilateral financial institutions;

16. *Recognizes* that increased co-operation between the International Monetary Fund, the World Bank and other multilateral financial institutions is welcomed but should not lead to cross-conditionality;

17. *Emphasizes* the need to provide substantial concessional resources to the developing countries, with a view to promoting the revival of economic growth and sustained development, and in that regard emphasizes that developed

countries should implement their undertakings to attain the agreed international target of devoting 0.7 per cent of gross national product to official development assistance, as well as the agreed targets established at the Second United Nations Conference on the Least Developed Countries;

18. *Recognizes* that a durable solution to the debt problems involves, *inter alia*, a substantial improvement in the access of the products of developing countries to the markets of developed countries and in their terms of trade, as well as diversification of their exports, and reaffirms, in this context, the urgent need for a balanced and successful outcome of the Uruguay Round of multilateral trade negotiations that would result in the liberalization and expansion of world trade to the benefit of all countries, especially developing countries;

19. *Urges* the multilateral financial institutions and the donor countries to take appropriate steps to assist effectively those developing countries adversely affected by the situation between Iraq and Kuwait; in particular, the multilateral financial institutions are invited to respond promptly, flexibly and with expanded resources to the needs arising from the present situation and to play a catalytic role in mobilizing additional assistance;

20. *Recognizes* that the external indebtedness of some other countries with serious debt-servicing problems also gives rise to considerable concern, and invites all those involved to take into account, as appropriate, the provisions of the present resolution in addressing those problems and in working towards an early growth-oriented solution to the external debt problems;

21. *Takes note with appreciation* of the very useful efforts made by the Personal Representative of the Secretary-General on Debt in producing a wide-ranging analysis and in producing recommendations, and, in this context, encourages Governments to give them appropriate consideration, as a new impulse to better understanding of the different aspects of the debt problem;

22. *Requests* the Secretary-General to report to the General Assembly at its forty-sixth session on the implementation of the present resolution.

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17. The Second Committee also recommends to the General Assembly the adoption of the following draft decision:

ESTABLISHMENT OF AN ADVISORY COMMISSION ON DEBT AND DEVELOPMENT

The General Assembly decides to defer until its forty-sixth session consideration of the draft decision entitled "Establishment of an advisory commission on debt and development" (see A/C.2/45/L.5).

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 71st plenary meeting, on 21 December 1990, the General Assembly adopted the draft resolution and the draft decision submitted by the Second Committee in its report (A/45/853, paras. 16 and 17). For the final texts, see resolution 45/214 and decision 45/447.[8]

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[8] See *Official Records of the General Assembly, Forty-fifth Session, Supplement No. 49.*

LIST OF OTHER DOCUMENTS PERTAINING TO THE ITEM

Symbol	*Title or description*	*Observations and references*
A/45/303	Letter dated 5 June 1990 from the representative of Malaysia to the Secretary-General transmitting the text of the joint communiqué adopted at the First Meeting of the Summit Level Group for South-South Consultations and Co-operation, Group of 15, held at Kuala Lumpur from 1 to 3 June 1990	
A/45/334-E/1990/100	Letter dated 2 July 1990 from the representative of Venezuela to the Secretary-General	
A/45/380 and Corr.1	Note by the Secretary-General	
A/45/421-S/21797	Letter dated 19 September 1990 from the representative of Egypt to the Secretary-General transmitting the text of the documents adopted by the Nineteenth Islamic Conference of Foreign Ministers, held at Cairo from 31 July to 5 August 1990	
A/45/531	Letter dated 20 September 1990 from the representative of Yugoslavia to the Secretary-General	
A/45/584	Letter dated 4 October 1990 from the representative of Bolivia to the Secretary-General transmitting the text of a declaration adopted by the Ministers for Foreign Affairs of the States members of the Group of 77 at their fourteenth annual meeting, held in New York on 3 October 1990	
A/45/656	Report by the Secretary-General	
A/45/675	Letter dated 26 October 1990 from the representative of Venezuela to the Secretary-General transmitting the text of documents issued by the Presidents of the States members of the Rio Group at the Fourth Summit Meeting of the Permanent Mechanism for Consultation and Concerted Political Action, held at Caracas on 11 and 12 October 1990	

Symbol	*Title or description*	*Observations and references*
A/45/803	Letter dated 14 November 1990 from the representative of Trinidad and Tobago to the Secretary-General transmitting the text of a communiqué of the meeting of Commonwealth Finance Ministers held at Port-of-Spain on 19 and 20 September 1990	
A/45/846	Letter dated 12 December 1990 from the representative of Jamaica to the Secretary-General transmitting the text of the communiqué of the Eleventh Meeting of the Conference of Heads of Government of the Caribbean Community, held at Kingston from 31 July to 2 August 1990	
A/C.2/45/L.5	Note by the Secretariat transmitting a draft decision	See A/45/853, para. 7
A/C.2/45/L.44	Draft resolution	*Ibid.*, para. 9
A/C.2/45/L.97	*Idem*	*Ibid.*, paras. 10, 11 and 16

United Nations

GENERAL ASSEMBLY

Official Records

Agenda item 84

ANNEXES

FORTY-FIFTH SESSION

NEW YORK, 1990/1991

Agenda item 84: Operational activities for development:*

- (*a*) **Operational activities of the United Nations system;**
- (*b*) **United Nations Development Programme;**
- (*c*) **United Nations Population Fund;**
- (*d*) **United Nations Children's Fund;**
- (*e*) **World Food Programme**

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DOCUMENT A/45/854

Report of the Second Committee

[*Original: English*]
[*18 December 1990*]

1. At its 3rd plenary meeting, on 21 September 1990, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its forty-fifth session, as item 84, and to allocate to the Second Committee for consideration and report the item entitled:

"Operational activities for development:

"(*a*) Operational activities of the United Nations system;

"(*b*) United Nations Development Programme;

"(*c*) United Nations Population Fund;

"(*d*) United Nations Children's Fund;

"(*e*) World Food Programme".

2. The Second Committee considered the item at its 33rd to 36th, 38th, 42nd and 49th to 55th meetings, on 6 to 8, 12, 14, 28 and 30 November and 5, 7, 10, 11 and 14 December 1990. An account of the Committee's discussions is contained in the relevant summary records (see A/C.2/45/SR.33-36, 38, 42 and 49-55). Attention is also drawn to the general debate held by the Committee on all the items allocated to it at its 2nd to 9th meetings, from 8 to 11 October (see A/C.2/45/SR.2-9).

3. For its consideration of the item, the Committee had before it the following documents:

[*See the list of documents at the end of the present fascicle.*]

4. At the 33rd meeting, introductory statements were made by the Director-General for Development and International Economic Co-operation, the Administrator of the United Nations Development Programme, the Executive Director of the United Nations Population Fund and the Deputy Executive Director, Programmes, of the United Nations Children's Fund.

Consideration of proposals

Draft resolutions A/C.2/45/L.32 and L.53

5. At the 42nd meeting, the representative of the United Kingdom of Great Britain and Northern Ireland introduced a draft resolution (A/C.2/45/L.32) entitled "Future administrative arrangements for the United Nations Pledging Conference for Development Activities", which read as follows:

> "*The General Assembly*,
>
> "*Reaffirming* the importance of the United Nations Pledging Conference for Development Activities,
>
> "*Taking note* of the report of the Secretary-General on future administrative arrangements for the Conference (A/45/281-E/1990/66 and Corr.1),
>
> "*Taking note also* of Economic and Social Council resolution 1990/80 of 27 July 1990,
>
> "1. *Decides* that the United Nations Pledging Conference for Development Activities shall remain the principal forum for Member States and others to pledge their contributions to United Nations operational activities for development, that it shall continue to be convened early in November and that its basic format shall remain unchanged;
>
> "2. *Decides also* that:
>
> "(*a*) The Conference shall be limited to one day and shall continue to be opened by the Secretary-General;

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* For the records of the relevant meetings, see *Official Records of the General Assembly, Forty-fifth Session, Second Committee*, 2nd to 9th, 33rd to 36th, 38th, 42nd and 49th to 55th meetings, and corrigendum; and *ibid., Plenary Meetings*, 71st meeting. For the prior consideration of the question, see *Official Records of the General Assembly, Forty-fourth Session, Annexes*, agenda item 86.

"(*b*) Greater use should be made of written pledges, that delegations should be given an opportunity to make pledges in writing before the Conference takes place and that those pledges should be announced at the Conference in the President's opening statement;

"(*c*) As a general rule, statements by participants in the Conference shall be limited to five minutes each;

"(*d*) A speakers' list shall be established for Member States and others wishing to pledge, the only other statements to be an opening and closing statement by the President of the Conference, should he or she wish, and short closing statements by executive heads of the United Nations programmes and funds or their representatives;

"(*e*) The adoption and signing of the Final Act of the Conference shall be replaced by the adoption of the report of the Conference."

6. At the 49th meeting, Mr. Ahmed Amaziane (Morocco), Vice-Chairman of the Committee, introduced a draft resolution (A/C.2/45/L.53), which he submitted on the basis of informal consultations held on draft resolution A/C.2/45/L.32.

7. Following statements by the representative of Tunisia and the Vice-Chairman of the Committee, the title of draft resolution A/C.2/45/L.53 was orally revised by deleting the words "Future administrative arrangements for the" before the words "United Nations Pledging Conference for Development Activities".

8. At the same meeting, the Committee adopted draft resolution A/C.2/45/L.53, as orally revised (see para. 27 below, draft resolution I).

9. In the light of the adoption of draft resolution A/C.2/45/L.53, draft resolution A/C.2/45/L.32 was withdrawn by the sponsor.

Draft resolutions A/C.2/45/L.61 and L.85

10. At the 50th meeting, the representative of the Netherlands, on behalf of Australia, Bangladesh, Belgium, Denmark, Finland, France, Germany, Honduras, Indonesia, Italy, Japan, Mauritius, the Netherlands, Norway, Pakistan, Romania, Sweden, Uganda, the United Kingdom of Great Britain and Northern Ireland, and Zimbabwe, introduced a draft resolution (A/C.2/45/L.61) entitled "United Nations Population Fund". The draft resolution read as follows:

"*The General Assembly*,

"*Recalling* its resolution 44/210 of 22 December 1989, in which it requested the Executive Director of the United Nations Population Fund to examine, in particular, the implications for population programmes of the Amsterdam Declaration on A Better Life for Future Generations,[1] to develop further the analysis of resource requirements for international population assistance and to submit a report thereon to the General Assembly at its forty-fifth session, through the Governing Council of the United Nations Development Programme and the Economic and Social Council,

"*Mindful* of the diversity in cultures and traditions and in social, economic and political conditions among countries,

"*Taking note* of decision 90/35 of 20 June 1990 of the Governing Council of the United Nations Development Programme on the United Nations Population Fund (see E/1990/29, annex I),

"*Taking note also* of Economic and Social Council resolution 1990/82 of 27 July 1990,

"1. *Emphasizes* the sovereignty of nations in the formulation, adoption and implementation of their population policies, consistent with the human rights and responsibilities of individuals, couples and families;

"2. *Takes note* of the report of the Executive Director of the United Nations Population Fund on the implications for population programmes of the Amsterdam Declaration and on efforts to develop further the analysis of resource requirements for international population assistance,[2] in which the unmet and expanding resource needs for population activities are outlined;

"3. *Encourages* the Fund to sustain the momentum generated by the International Forum on Population in the Twenty-first Century, held at Amsterdam from 6 to 9 November 1989, through continued follow-up to the recommendations of the Amsterdam Declaration;

"4. *Urges* all Governments, concerned international and regional organizations, including the World Bank, and non-governmental organizations to make every effort to increase significantly their allocations for population activities in order to reach the target of $9 billion per year by the year 2000, taking into account the potential for user contributions, where feasible and advisable;

"5. *Emphasizes* the crucial importance of resource investments in health and education, especially for women, for the success of population programmes, and urges all Governments of developing countries to increase their political and financial commitments to investments in the social sector and all Governments of developed countries and concerned international, regional and non-governmental organizations to strengthen their financial and technical support to the areas of health and education;

"6. *Stresses* the desirability of further concentrating Fund resources on those countries most in need of assistance in the field of population, and notably the poorest developing countries, including the least developed countries;

"7. *Encourages* the Fund, in conformity with General Assembly resolution 44/211 of 22 December 1989, to strengthen and utilize national capacities through national execution, to enhance accountability, to adopt a programme-oriented approach and decentralize capacity and authority to the field level and to support co-ordination of the United Nations system at the country level through the resident co-ordinators, and, in this context, encourages the Fund to increase the utilization of available national expertise in the formulation and implementation of population assistance activities;

"8. *Also encourages* the Fund, the United Nations Children's Fund, the World Health Organization and other relevant United Nations organizations and specialized agencies, to strengthen their co-operation in the field of maternal and child health care and family planning, each within its own mandate;

"9. *Agrees* with the Fund's *State of World Population, 1990* report that population growth and distribution are closely linked with environmental and development issues, and emphasizes the need to give population due importance in the preparations for the 1992 United Nations Conference on Environment and Development;

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[1] A/C.2/44/6, annex.

[2] DP/1990/44.

"10. *Reaffirms* the importance of the role of population policies and programmes in improving individual welfare and enhancing social and economic development as emphasized, *inter alia*, in the Declaration on International Economic Co-operation, in particular the revitalization of Growth and Development of the Developing Countries,[3] the Programme of Action for the Least Developed Countries for the 1990s[4] and the International Development Strategy for the Fourth United Nations Development Decade;[5]

"11. *Welcomes* the willingness of the nineteen members of the Development Assistance Committee, as expressed in the December 1989 policy statement by Committee aid ministers and heads of aid agencies for their aid policies for the 1990s and reiterated at Committee meetings on population and development matters held in April and June of 1990, to help developing countries to establish, fund and implement effective population strategies and programmes as a matter of priority;

"12. *Stresses* the primary role of Governments in the co-ordination of population activities at the national level and the role of the United Nations Population Fund, upon request, in supporting the development of national capacities in that respect and also stresses the need for co-ordination at the regional and interregional levels to focus on issues related to the attainment of specific population goals and objectives;

"13. *Recommends* that the Fund continue to focus attention on the urgency and importance of population issues in the context of overall development plans and programmes and on the need to find adequate resources to address these issues, and, in that context, urges the Fund to continue to undertake activities aimed at building better awareness of population issues and their relation to environment and development issues, including World Population Day;

"14. *Invites* the Executive Director of the United Nations Population Fund to give more attention, in the specific section on policy and programme co-ordination of her annual report, to the co-operation of the Fund with other relevant United Nations organizations and specialized agencies."

11. At the 54th meeting, Mr. Ahmed Amaziane, Vice-Chairman of the Committee, introduced a draft resolution (A/C.2/45/L.85) entitled "Population and development", which he submitted on the basis of informal consultations held on draft resolution A/C.2/45/L.61; he orally revised draft resolution A/C.2/45/L.85 by making paragraph 6 paragraph 5 (*c*) and renumbering the subsequent paragraphs accordingly.

12. The Committee adopted draft resolution A/C.2/45/L.85, as orally revised (see para. 27 below, draft resolution II).

13. In light of the adoption of draft resolution A/C.2/45/L.85, draft resolution A/C.2/45/L.61 was withdrawn by the sponsors.

14. After the adoption of the draft resolution, the representative of Colombia made a statement.

Draft resolutions A/C.2/45/L.62 and L.74

15. At the 50th meeting, the representative of Sweden, on behalf of Australia, Austria, Belgium, Benin, Burundi, Botswana, Brazil, Canada, Chile, China, Colombia, Czechoslovakia, Denmark, the Dominican Republic, Egypt, El Salvador, Finland, France, Germany, Guatemala, Iceland, Kenya, Lesotho, Mali, Mexico, Morocco, Mozambique, the Netherlands, Nicaragua, Norway, Pakistan, Peru, the Philippines, Poland, Romania, Senegal, Spain, Sri Lanka, Sweden, Turkey, Trinidad and Tobago, Tunisia, Uganda, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, the United Republic of Tanzania, the United States of America, Uruguay, Yugoslavia, Zambia and Zimbabwe, subsequently joined by Afghanistan, Bangladesh, Barbados, Bulgaria, Burkina Faso, Cameroon, Cuba, Ecuador, Ethiopia, Greece, Guyana, India, Indonesia, Ireland, Jamaica, Jordan, Madagascar, Mongolia, Niger, Nigeria, Portugal, Rwanda, Samoa, Saint Kitts and Nevis and Viet Nam, introduced a draft resolution (A/C.2/45/L.62) entitled "World Summit for Children". The draft resolution read as follows:

"*The General Assembly*,

"*Welcoming* the adoption by the World Summit for Children, on 30 September 1990, of the World Declaration on the Survival, Protection and Development of Children and the Plan of Action for its implementation (A/45/625, annex),

"1. *Urges* all States and other members of the international community to work for the achievement of the goals and objectives endorsed in the World Declaration on the Survival, Protection and Development of Children and the Plan of Action as an integral part of their national plans and international co-operation;

"2. *Urges* especially the donor countries to assist developing countries in achieving the goals set out in the World Declaration and the Plan of Action by increasing their contributions to development co-operation targeted for the special needs of children;

"3. *Also urges* all relevant organs, organizations and bodies of the United Nations system to take into account the goals, strategies and recommendations of the World Declaration and the Plan of Action in carrying out their programmes, and invites the relevant governing bodies to consider specific measures, within their fields of competence, to address the special needs of children in the light of the World Declaration and the Plan of Action;

"4. *Calls upon* the United Nations system to ensure appropriate dissemination of the World Declaration and the Plan of Action;

"5. *Requests* the Secretary-General to take appropriate action to ensure the implementation and monitoring by the relevant organs, organizations and bodies of the United Nations system of the provisions of the present resolution;

"6. *Takes note* of the provisions in the Plan of Action for appropriate mechanisms in the United Nations system to monitor its implementation, and invites, in this connection, the Executive Board of the United Nations Children's Fund to consider requesting the Fund, consistent with its mandate for children, to prepare as an integral part of its regular monitoring, reporting and evaluation functions, in co-operation with the Director-General for Development and International Economic Co-operation and in close collaboration with other relevant organs, organizations and bodies of the United Nations system, a consolidated analysis of the plans and actions undertaken by individual countries and the international community, as called for in the World Declaration and the Plan of Action;

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[3] Resolution S-18/3, annex.

[4] See A/CONF.147/Misc.9.

[5] Resolution 45/199, annex.

"7. *Decides* to include in the provisional agenda of its forty-seventh session an item entitled 'Implementation of the World Declaration on the Survival, Protection and Development of Children and the Plan of Action, in particular the response of the United Nations system';

"8. *Requests* the Secretary-General to report to the General Assembly at its forty-seventh session on the implementation of the present resolution."

16. At the 52nd meeting, Mr. Ahmed Amaziane, Vice-Chairman of the Committee, introduced a draft resolution (A/C.2/45/L.74), which he submitted on the basis of informal consultations held on draft resolution A/C.2/45/L.62.

17. The Committee adopted draft resolution A/C.2/45/L.74 (see para. 27 below, draft resolution III).

18. In the light of the adoption of draft resolution A/C.2/45/L.74, draft resolution A/C.2/45/L.62 was withdrawn by the sponsors.

Draft resolution A/C.2/45/L.63

19. At the 50th meeting, the representative of Sweden, on behalf of Australia, Bangladesh, Benin, Canada, the Central African Republic, Chad, Colombia, Denmark, Finland, Germany, Guatemala, Hungary, Japan, Morocco, the Netherlands, New Zealand, Niger, Norway, Sweden, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Zaire, introduced a draft resolution (A/C.2/45/L.63) entitled "Governance of the World Food Programme".

20. At the 51st meeting, Mr. Ahmed Amaziane, Vice-Chairman of the Committee, informed the Committee of the results of informal consultations held on the draft resolution.

21. At the same meeting, the Committee adopted draft resolution A/C.2/45/L.63 (see para. 27 below, draft resolution IV).

Draft resolution A/C.2/45/L.75

22. At the 53rd meeting, the representative of Bolivia, on behalf of the States members which are members of the Group of 77, introduced a draft resolution (A/C.2/45/L.75) entitled "Operational activities for development of the United Nations system", which read as follows:

"*The General Assembly*,

"*Recalling* its resolutions 2688 (XXV) of 11 December 1970, 3362 (S-VII) of 16 September 1975, 32/197 of 20 December 1977, 41/171 of 5 December 1986, 42/196 of 11 December 1987, 43/199 of 20 December 1988 and 42/211 of 22 December 1989,

"*Emphasizing* the need for a co-ordinated and prompt implementation of its resolution 44/211 by all organs, organizations and bodies of the United Nations system, on the basis of a three-year schedule, taking into account the linkages and interrelationships among issues, especially in the areas of the national execution modality, programming, decentralization, and simplification, harmonization and adaptation of rules and procedures,

"*Recalling* its resolution S-18/3 of 1 May 1990, the annex to which contains the Declaration on International Economic Co-operation, in particular the Revitalization of Economic Growth and Development of the Developing Countries,

"*Conscious* of the objectives and priorities identified in the International Development Strategy for the Fourth United Nations Development Decade,[5]

"*Welcoming* the World Declaration on the Survival, Protection and Development of Children and the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s, adopted by the World Summit for Children, held in New York on 30 September 1990 (A/45/625, annex),

"*Recognizing* the importance of the Programme of Action for the Least Developed Countries for the 1990s, adopted by the Second United Nations Conference on the Least Developed Countries held in Paris in September 1990,[4] and stressing the need for the United Nations development system to implement urgently the relevant measures contained therein,

"*Reaffirming* the exclusive responsibility of the Governments of recipient countries to formulate their multisector and subsector strategies, which should also be used as a frame of reference for the programming of resources received from the United Nations system, and, in this context, stressing the need to remove structural obstacles in the processes and procedures of the United Nations system to enable the recipient Governments to exercise full responsibility in determining their priorities,

"*Reaffirming also* that the fundamental characteristics of the operational activities for development of the United Nations system should be, *inter alia*, their universality, their voluntary and grant nature, their neutrality and multilateralism and their ability to respond to the needs of the developing countries in a flexible manner, and that the operational activities of the United Nations system are carried out for the benefit of the developing countries, at the request of those countries and in accordance with their own policies and priorities for development,

"*Aware* of the acute problems of island and land-locked developing countries and their particular needs for development to overcome their economic difficulties,

"*Recalling* the United Nations Programme of Action for African Economic Recovery and Development 1986-1990[6] and recognizing the need for successor arrangements beyond 1990,

"*Recalling also* its resolution 42/231 of 12 May 1988 on the Special Plan of Economic Co-operation for Central America,

"*Recognizing* that the 1980s have been marked by the longest period of sustained economic growth in the developed countries and the continued deterioration of socio-economic conditions in the developing countries,

"*Concerned* that multilateral resources for official development assistance, in particular those resources channelled through the United Nations system, are growing at a slower pace than the overall official development assistance, and that the official development assistance as a percentage of the gross national product of developed countries has been falling,

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[6] Resolution S-13/2, annex.

"*Stressing* the consequent need for a substantial increase in resources for operational activities for development on a predictable, continuous and assured basis, commensurate with the increasing needs of all developing countries, and emphasizing the special needs of the least developed countries,

"*Recalling* the role of the United Nations Development Programme as the central funding mechanism for technical co-operation in the United Nations system, the full potential of which has not yet been realized,

"*Stressing* that resources channelled through trust funds should be additional to programme resources,

"*Emphasizing* the need to increase and strengthen the promotion and implementation of technical co-operation among developing countries on a priority basis, through the rapid and full implementation of the Buenos Aires Plan of Action for Promoting and Implementing Technical Co-operation among Developing Countries,[7] in order to enhance the capacities and collective self-reliance of developing countries,

"*Taking note* of the decisions adopted by the Governing Council of the United Nations Development Programme at its thirty-seventh session, on the fifth programming cycle, on elements of a funding strategy for the United Nations Development Programme, on agency support costs and on national execution (see E/1990/29, annex I),

"*Reaffirming* that national execution and the full utilization of national capacities would contribute to ensuring that programmes and projects are managed in an integrated manner and to promoting their long-term sustainability and wider impact on the development process,

"*Recalling* the themes and objectives of the operational activities of the United Nations system, including those identified in paragraphs 3 to 8 of its resolution 44/211 and in decisions 90/14 concerning elements of a funding strategy and 90/34 on the fifth programming cycle, adopted by the Governing Council of the United Nations Development Programme, and stressing that the themes and objectives identified therein should in no way limit the prerogative of each recipient country to use United Nations assistance in the areas it chooses in accordance with its national priorities and objectives and local, cultural and socio-economic realities,

"*Taking into account* the difficulties that many developing countries have been facing in recent years in meeting their counterpart financial obligations under technical assistance programmes and projects of the United Nations system,

"1. *Takes note* of the report of the Director-General for Development and International Economic Co-operation on operational activities for development of the United Nations system, including the response of the United Nations development system, and a synthesized summary of views of some Governments on the implementation of its resolution 44/211 (A/45/273-E/1990/85 and Corr.1 and Add.1-5);

"2. *Calls upon* the international community, in particular donor countries, for a real and significant increase in resources for operational activities for development on a continuous, predictable and assured basis, and urges all countries to increase their voluntary contributions for operational activities for development;

"3. *Reaffirms* the need for priority allocation of grant resources to programmes and projects in low-income countries, particularly the least developed countries;

"4. *Affirms* that there should be a significant increase, in real terms, in the grant resources allocated to each developing country for operational activities, unless a significant increase, in real terms, in the per capita income of a country should justify otherwise;

"5. *Urges* continued action by the governing bodies of the United Nations development agencies in 1991 to enhance national execution of United Nations-assisted programmes and projects;

"6. *Requests* the Director-General to include in his report to the General Assembly at its forty-sixth session proposals for developing clear system-wide guidelines for national execution of concrete measures designed to expedite the process of national execution in all United Nations-assisted programmes and projects, with a view to strengthening national capacities, taking into account the following elements:

"(*a*) The crucial importance of simplifying the rules and procedures for national execution and their adaptation to the procedures of the recipient Government so as to reduce the administrative burden on Governments and on the field offices of the United Nations Development Programme, and to avoid unnecessary delays in the appraisal, approval, monitoring and evaluation of programmes and projects;

"(*b*) The need to ensure that the shift towards national execution reorients the human and technical capacities of the specialized agencies and other relevant bodies of the United Nations system away from the administrative burdens of the recruitment of experts, the procurement of equipment and the award of fellowships and towards a focus on the provision of relevant technical advice and monitoring, as well as on global research, analysis and policy functions;

"(*c*) The need for United Nations agencies to localize, at the country level, information on data bases and rosters on sources of equipment, experts and training/educational institutions, including the data base for technical co-operation among developing countries, so as to facilitate the assumption by Governments of the responsibility for executing programmes and projects;

"(*d*) The need to take concrete action to strengthen national units in charge of technical assistance and training institutions to enable Governments, *inter alia,* to design, manage, monitor and evaluate programmes and projects;

"(*e*) The need for United Nations Development Programme field offices to be country specific and flexible in order to provide transitional assistance to Governments that wish to undertake national execution but that have not yet built up the required national management capacities;

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[7] *Report of the United Nations Conference on Technical Co-operation among Developing Countries, Buenos Aires, 30 August-12 September 1978* (United Nations publication, Sales No. E.78.II.A.11 and corrigendum), chap. I.

"(*f*) The importance of giving sufficient financial incentives, including incentives for technical support, through, *inter alia*, the agency support cost arrangements, to assist developing countries to move towards national execution;

"7. *Reiterates* that the recipient Governments have the sole responsibility for the co-ordination and programming of external assistance and the principal responsibility for its design and management and that the exercise of those responsibilities is crucial to the optimal use of external assistance and to the strengthening and utilization of national capacity;

"8. *Emphasizes* that, to enable Governments to design, co-ordinate and effectively programme United Nations assistance on the basis of their multisectoral, sectoral and subsectoral strategies, the following measures need to be undertaken:

"(*a*) Urgent implementation of paragraph 17 (*c*) of its resolution 44/211, which concerns the harmonization of the programming cycles of all United Nations funding agencies and their adaptation to the planning periods of recipient Governments;

"(*b*) Integration of non-emergency food aid from the World Food Programme with funds provided by the organizations of the United Nations by ensuring that the World Food Programme Committee on Food Aid Policies and Programmes and the Council of the Food and Agriculture Organization of the United Nations approves resources on the basis of a programme rather than a project-by-project approach;

"(*c*) Reliance on national institutions and capacities for data collection, analysis and formulation and assessment of national programmes, with the United Nations development system providing technical advice, where necessary, including high-quality data/information on development experience within the context of technical co-operation among developing countries;

"(*d*) Provision of resources by the United Nations funding agencies, including the trust fund resources of the specialized agencies and the funds administered by the United Nations Development Programme on the basis of the strategies of the recipient Government, which would serve as frames of reference for the programming of resources from the United Nations development system in an integrated manner;

"(*e*) Co-ordinated review of rules, procedures and formats governing the appraisal, formulation, approval, procurement, reporting, monitoring and evaluation of programmes and projects, with a view to promoting a programme approach and facilitating national execution;

"(*f*) Uniform and appropriate decentralization of authority to the country level;

"(*g*) Assisting recipient countries in building and strengthening the capacities of units in charge of technical assistance to enable Governments to exercise fully their responsibility for managing and programming United Nations development system resources;

"9. *Takes note* of the agreement in principle of the Joint Consultative Group on Policy to harmonize its programming cycles with national planning and budget cycles, and calls upon the Group to intensify its efforts in this direction;

"10. *Requests* the Director-General in co-operation with the executive heads of the organizations of the United Nations development system, through their respective governing bodies, to institute greater country focus in their activities, which would improve efficiency and effectiveness and facilitate the maximum utilization and strengthening of national execution; this would require a redefinition of the roles, composition and range of skills available at their headquarters and in country offices, involving, *inter alia*, a better balance between technical expertise and administrative support staff at the country level, according to the specific needs of each recipient country, with agency headquarters providing support to the country offices through selective intervention;

"11. *Takes note* of the action taken by the Executive Board of the United Nations Children's Fund and the Governing Councils of the United Nations Development Programme and the United Nations Population Fund in 1990 on decentralization in the context of the implementation of resolution 44/211, and requests the governing bodies of the United Nations development system and the executive heads of the organizations concerned to delegate full authority to country offices, in keeping with the requirements of financial accountability, for making decisions in the following vital areas:

"(*a*) Procurement, awarding of fellowships and hiring of experts;

"(*b*) Negotiating details of project agreements;

"(*c*) Reviewing disbursements on a regular basis;

"(*d*) Reallocating funds between programmes and projects within the limits set by the country programme;

"(*e*) Authorizing reimbursements of eligible expenses incurred by recipients;

"(*f*) Making changes in the scope and design of individual projects, as required;

"12. *Also requests* the governing bodies of the United Nations development system and the executive heads of the organizations concerned to develop criteria for the programme audit function to ensure greater impact and the long-term sustainability of programmes;

"13. *Notes with appreciation* the decision of the Governing Council of the United Nations Development Programme on successor arrangements for agency support costs,[11] and calls upon the Administrator of the United Nations Development programme, in co-operation with the executive heads of the organizations of the United Nations system to make concrete proposals to enable the Governing Council to take a decision on outstanding issues in 1991;

"14. *Stresses* the need, in the implementation of operational activities, to increase substantially the procurement of equipment and services, hiring of experts and utilization of the training facilities available in developing countries in order to promote and strengthen collective self-reliance among them;

"15. *Requests* the Secretary-General to strengthen the Office of the Director-General, taking into account the need for equitable geographical distribution, to ensure adequate system-wide follow-up, monitoring and coordination of the implementation process on the basis of a consistent set of agreed guidelines;

"16. *Requests* the United Nations development system, in particular the United Nations funding agencies, to continue to show maximum flexibility to recipient countries facing financial difficulties in meeting their counterpart financial contributions for ongoing projects;

"17. *Takes note* of the three-year schedule for the implementation of the provisions of its resolution 44/211, and requests the Director-General to continue to ensure implementation of the provisions of that resolution and of the present resolution, and to submit a report to the Assembly at its forty-sixth session, through the Economic and Social Council."

23. At the 55th meeting, the representative of Bolivia made a statement on behalf of the States Members which are members of the Group of 77, in which he proposed that the Committee should decide to transmit draft resolution A/C.2/45/L.75 to the General Assembly for consideration at its forty-sixth session.

24. At the same meeting, the Committee adopted the proposal (see para. 28 below, draft decision I).

25. After the adoption of the proposal, statements were made by the representatives of the United Kingdom of Great Britain and Northern Ireland, Canada, Morocco and Egypt.

26. At the same meeting, on the proposal of the Chairman, the Committee decided to recommend to the General Assembly that it should take note of the reports under item 84 on which no proposals had been submitted (see para. 28 below, draft decision II).

Recommendations of the Second Committee

27. The Second Committee recommends to the General Assembly the adoption of draft resolutions I to IV below:

Draft resolution I

UNITED NATIONS PLEDGING CONFERENCE FOR DEVELOPMENT ACTIVITIES

The General Assembly,

Reaffirming the importance of the United Nations Pledging Conference for Development Activities,

Taking note of the report of the Secretary-General on future administrative arrangements for the Conference (A/45/281-E/1990/66 and Corr.1),

Recalling its resolution 44/208 of 22 December 1989 and taking note of Economic and Social Council resolution 1990/80 of 27 July 1990,

1. *Decides* that the United Nations Pledging Conference for Development Activities shall remain the principal opportunity for Member States and others to pledge their contributions to United Nations development activities, that it shall continue to be convened early in November and that its basic format shall remain unchanged;

2. *Decides also* that:

(*a*) The Conference shall be limited to two working sessions;

(*b*) The Conference shall continue to be opened by the Secretary-General;

(*c*) Greater use should be made of written pledges and that delegations should be given an opportunity to make pledges in writing before the Conference takes place and to have them circulated during the Conference;

(*d*) As a general rule, statements by participants in the Conference shall be limited to five minutes each;

(*e*) A speakers' list shall be established for Member States and others wishing to speak; the only other statements will be an opening and closing statement by the President of the Conference, should he or she wish, and short closing statements by executive heads of the United Nations programmes and funds or their representatives;

(*f*) Delegations which are not in a position to make a definitive pledge should make known their pledges as soon as possible;

(*g*) The adoption and signing of the Final Act of the Conference shall be replaced by the adoption of a procedural report of the Conference;

3. *Urges* Member States to consider increasing their financial contributions to United Nations development activities.

Draft resolution II

POPULATION AND DEVELOPMENT

The General Assembly,

Recalling its resolution 44/210 of 22 December 1989, in which it requested the Executive Director of the United Nations Population Fund to examine, in particular, the implications for population programmes of the Amsterdam Declaration on A Better Life for Future Generations, adopted by the International Forum on Population in the Twenty-first Century, held at Amsterdam from 6 to 9 November 1989,[1] to develop further the analysis of resource requirements for international population assistance and to submit a report thereon to the General Assembly at its forty-fifth session, through the Governing Council of the United Nations Development Programme and the Economic and Social Council,

Taking note of decision 90/35 of 20 June 1990 of the Governing Council of the United Nations Development Programme on the United Nations Population Fund (see E/1990/29, annex I),

Taking note also of Economic and Social Council resolution 1990/82 of 27 July 1990,

Noting that in the report of the United Nations Population Fund entitled *The State of World Population, 1990* it is stressed that population growth and distribution are closely linked with environmental and development issues,

Reaffirming the principles and objectives of the World Population Plan of Action,[8] which were affirmed and expanded at the International Conference on Population,[9]

Recognizing that socio-economic development is conducive to the success of population policies,

Reaffirming that assistance to developing countries in the area of population should be substantially increased during the 1990s and that developing countries should also intensify their efforts to allocate adequate resources to population programmes,

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[8] See *Report of the United Nations World Population Conference, Bucharest, 19-30 August 1974* (United Nations publication, Sales No. E.75.XIII.3), chap. I.

[9] See *Report of the International Conference on Population, Mexico City, 6-14 August 1984* (United Nations publication, Sales No. E.84.XIII.8 and corrigenda).

1. *Emphasizes* the sovereign right of all countries to formulate, adopt and implement their population policies, mindful of their cultures, values and traditions, as well as of their social, economic and political conditions, and also consistent with human rights and with the responsibilities of individuals, couples and families;

2. *Takes note* of the report of the Executive Director of the United Nations Population Fund on the implications for population programmes of the Amsterdam Declaration on A Better Life for Future Generations and on efforts to develop further the analysis of resource requirements for international population assistance,[2] in which the unmet and expanding resource needs for population activities are outlined;

3. *Encourages* the Fund to sustain the momentum generated by the International Forum on Population in the Twenty-first Century through continued follow-up to the recommendations contained in the Amsterdam Declaration;

4. *Stresses* the need to take into account all economic and social factors in integrating demographic objectives in population strategies and in the formulation of development strategies in general;

5. *Emphasizes* the importance of mobilizing and increasing resources for population activities and, in this context:

(*a*) Urges all Governments, each according to its capacity, concerned international and regional organizations, including the World Bank, and non-governmental organizations to make every effort to mobilize the resources required for population activities, which are estimated at 9 billion United States dollars per year by the year 2000, taking into account the potential for user contributions, where feasible and advisable;

(*b*) Notes the crucial importance of resource investments in health and education, especially for women, for the success of population programmes, and urges Governments of developing countries to strengthen, according to their economic and social capacities and conditions, their political and financial commitments to investments in the social sector, and also urges Governments of developed countries, as well as concerned international, regional and non-governmental organizations, to strengthen their financial and technical support in the areas of health and education, to respond positively to requests for population assistance and to increase significantly the proportion of their development assistance destined for population activities;

(*c*) Stresses the desirability of concentrating Fund resources, in accordance with the criteria established by the Fund, on countries most in need of assistance in the population field in view of their population problems, taking into account the special needs of the low-income countries, particularly the least developed countries;

6. *Encourages* the Fund, in conformity with General Assembly resolution 44/211 of 22 December 1989, to strengthen and utilize national capacities through national execution, to enhance accountability, to adopt a programme-oriented approach and decentralize capacity and authority to the field level and to support co-ordination of the United Nations system at the country level through the resident co-ordinators, and, in this context, encourages the Fund to increase the utilization of available national expertise in the formulation and implementation of population assistance activities;

7. *Also encourages* the Fund, the United Nations Children's Fund, the World Health Organization and other relevant United Nations organizations and specialized agencies to strengthen their co-operation in the field of maternal and child health care and family planning, each within its own mandate;

8. *Emphasizes* the importance of addressing the relationship between demographic pressures and unsustainable consumption patterns and environmental degradation during the preparatory process for the United Nations Conference on Environment and Development, taking into account the decisions to be taken by the Preparatory Committee for the United Nations Conference on Environment and Development, in accordance with General Assembly resolution 44/228 of 22 December 1989;

9. *Reaffirms* the importance of the role of population policies in relation to development, as emphasized, *inter alia*, in the Declaration on International Economic Co-operation, in particular the Revitalization of Economic Growth and Development of the Developing Countries, contained in the annex to its resolution S-18/3 of 1 May 1990, the Programme of Action for the Least Developed Countries for the 1990s, adopted by the Second United Nations Conference on the Least Developed Countries on 14 September 1990,[4] and the International Development Strategy for the Fourth United Nations Development Decade, contained in the annex to its resolution 45/199 of 21 December 1990;

10. *Welcomes* the willingness of the nineteen members of the Development Assistance Committee of the Organisation for Economic Co-operation and Development, as expressed in the December 1989 policy statement by Committee aid ministers and heads of aid agencies for their aid policies for the 1990s and reiterated at Committee meetings on population and development matters held in April and June 1990, to assist developing countries to establish, fund and implement effective population strategies and programmes as a matter of priority;

11. *Stresses* the primary role of Governments in the formulation, implementation and co-ordination of population policies and programmes at the national level and the role of the United Nations Population Fund, upon request, in supporting the development of national capacities in that respect;

12. *Also stresses* the need for co-ordination at the regional and interregional levels to focus on issues related to the attainment of specific population goals and objectives;

13. *Recommends* that the Fund continue to focus attention on the importance of population issues in the context of overall development plans and programmes, in particular those oriented towards the reactivation of economic growth and development of developing countries, and on the need to find and mobilize adequate resources to address these issues, and, in this context, urges the Fund to continue to undertake activities aimed at building better awareness of population issues, including their relation to environment and development issues and World Population Day;

14. *Invites* the Executive Director of the United Nations Population Fund to give specific information, in the section on policy and programme co-ordination of the annual report,

on the co-operation of the Fund with other relevant United Nations organizations and specialized agencies.

Draft resolution III

WORLD SUMMIT FOR CHILDREN

The General Assembly,

Welcoming the adoption by the World Summit for Children, on 30 September 1990, of the World Declaration on the Survival, Protection and Development of Children and the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s (A/45/625, annex),

1. *Urges* all States and other members of the international community to work for the achievement of the goals and objectives endorsed in the World Declaration on the Survival, Protection and Development of Children and the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s, as an integral part of their national plans and international co-operation;

2. *Urges* especially the donor countries to assist developing countries in achieving the goals set out in the World Declaration and the Plan of Action by increasing their contributions to development co-operation targeted for the special needs of children;

3. *Urges* all relevant organs, organizations and bodies of the United Nations system to take into account the goals, strategies and recommendations of the World Declaration and the Plan of Action in carrying out their programmes, and invites the relevant governing bodies to consider specific measures, within their fields of competence, to address the special needs of children in the light of the World Declaration and the Plan of Action;

4. *Calls upon* the United Nations system to ensure appropriate dissemination of the World Declaration and the Plan of Action;

5. *Requests* the Secretary-General to take appropriate action to ensure the implementation and monitoring by the relevant organs, organizations and bodies of the United Nations system of the provisions of the present resolution;

6. *Takes note* of the provisions in the Plan of Action for appropriate mechanisms in the United Nations system to monitor its implementation;

7. *Decides* to consider at its forty-seventh session the question of the implementation of the World Declaration and the Plan of Action, in particular the response of the United Nations system;

8. *Requests* the Secretary-General to report to the General Assembly at its forty-seventh session, through the Economic and Social Council at its first and second regular sessions of 1992, on the implementation of the present resolution.

Draft resolution IV

GOVERNANCE OF THE WORLD FOOD PROGRAMME

The General Assembly,

Recalling its decision 44/414 of 22 November 1989,

Taking note of Economic and Social Council resolution 1990/79 of 27 July 1990 on the governance of the World Food Programme, which is a joint programme of the United Nations and the Food and Agriculture Organization of the United Nations,

Considering that a careful review of the present arrangements governing the World Food Programme is needed,

Considering also that intergovernmental oversight of the World Food Programme, through the Committee on Food Aid Policies and Programmes, which reports to the General Assembly and the Conference of the Food and Agriculture Organization of the United Nations through the Economic and Social Council and the Council of the Food and Agriculture Organization of the United Nations respectively, together with clear lines of responsibility and accountability, are required for effective governance of the Programme and should contribute to the enhancement of the effectiveness and efficiency of the secretariat in carrying out the mandate of the Programme,

1. *Recognizes* the need for improved governance arrangements for the World Food Programme consistent with its programme requirements, its accountability to member States and its characteristics as an entity of the United Nations system;

2. *Welcomes* the decision taken by the Committee on Food Aid Policies and Programmes at its twenty-ninth session (see E/1990/101, annex) to establish a sub-committee on the governance of the World Food Programme and the relationships between the United Nations, the Food and Agriculture Organization of the United Nations and the World Food Programme, and urges the Committee to complete expeditiously its review of governance arrangements for the Programme;

3. *Urges* the Committee, in conducting its review, to take into account the need for enhanced governance arrangements and improved efficiency and effectiveness of the World Food Programme and enhanced accountability to member States;

4. *Requests* the Secretary-General, taking into account the foregoing, to continue to participate fully in the review of governance arrangements for the World Food Programme and to report to the General Assembly at its forty-sixth session, through the Economic and Social Council, on the participation of the United Nations in the review of the governance arrangements for the World Food Programme.

*
* *

28. The Second Committee also recommends to the General Assembly the adoption of draft decisions I and II below:

Draft decision I

OPERATIONAL ACTIVITIES FOR DEVELOPMENT OF THE UNITED NATIONS SYSTEM

The General Assembly decides to transmit to its forty-sixth session for consideration the draft resolution entitled "Operational activities for development of the United Nations system" (see A/C.2/45/L.75).

Draft decision II

DOCUMENTS RELATING TO OPERATIONAL ACTIVITIES FOR DEVELOPMENT

The General Assembly decides to take note of the following documents:

(*a*) Report of the Director-General for Development and International Economic Co-operation on operational activities for development (see A/45/273-E/1990/85 and Corr.1 and Add.1-5);

(*b*) Report of the Joint Inspection Unit entitled "Practices and procedures aimed at a more equitable geographical distribution of sources of procurement for technical co-operation projects"[10] and the comments of the Administrative Committee on Co-ordination thereon (see A/45/648);

(*c*) Report of the Joint Inspection Unit entitled "Evaluation of rural development activities of the United Nations system in three African least developed countries" (see A/45/76-E/1990/12) and the comments of the Administrative Committee on Co-ordination thereon (see A/45/76/Add.1-E/1990/12/Add.1);

(*d*) Report of the Joint Inspection Unit entitled "Evaluation of the regional project RLA/79/031: Programme on joint studies on Latin American economic integration" (see A/45/77-E/1990/10) and the comments of the Secretary-General thereon (see A/45/77/Add.1-E/1990/10/Add.1);

(*e*) Report of the Administrator of the United Nations Development Programme on the activities of the United Nations Development Fund for Women (see A/45/347).

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 71st plenary meeting, on 21 December 1990, the General Assembly adopted draft resolutions I to IV and draft decisions I and II submitted by the Second Committee in its report (A/45/854, paras. 27 and 28). For the final texts, see resolutions 45/215 to 45/218 and decisions 45/448 and 45/449.[11]

LIST OF OTHER DOCUMENTS PERTAINING TO THE ITEM

Symbol	*Title or description*	*Observations and references*
A/45/3 and Add.1 and 2	Report of the Economic and Social Council for the year 1990	For the final text, see A/45/3/Rev.1
A/45/3/Rev.1	*Idem*	*Official Records of the General Assembly, Forty-fifth Session, Supplement No. 3*
A/45/76-E/1990/12 and Add.1	Note by the Secretary-General transmitting the report of the Joint Inspection Unit entitled "Evaluation of rural development activities of the United Nations system in three African least developed countries" and the comments of the Administrative Committee on Co-ordination on the report	
A/45/77-E/1990/10 and Add.1	Note by the Secretary-General transmitting the report of the Joint Inspection Unit entitled "Evaluation of the regional project RLA/79/031: Programme on joint studies on Latin American economic integration and the comments of the Secretary-General on the report	
A/45/273-E/1990/85 and Corr.1 and Add.1 to 5	Note by the Secretary-General transmitting the report of the Director-General for Development and International Economic Co-operation on operational activities for development	
A/45/281-E/1990/66 and Corr.1	Report of the Secretary-General on the future administrative arrangements for the United Nations Pledging Conference for Development Activities	
A/45/347	Forward-looking strategies for the advancement of women to the year 2000: note by the Secretary-General	
A/45/529	Note by the Secretary-General	
A/45/584	Letter dated 4 October 1990 from the representative of Bolivia to the Secretary-General transmitting the text of a declaration adopted by the Ministers for Foreign Affairs of the States members of the Group of 77 at their fourteenth annual meeting, held in New York on 3 October 1990	
A/45/598-S/21854	Letter dated 3 October 1990 from the Minister for Foreign Affairs of the Union of Soviet Socialist Republics and the Secretary of State of the United States of America to the Secretary-General	
A/45/648	Note by the Secretary-General transmitting the comments of the Administrative Committee on Co-ordination on the report of the Joint Inspection Unit entitled "Practices and procedures aimed at a more equitable geographical distribution of sources of procurement for technical co-operation projects"	
A/45/675	Letter dated 26 October 1990 from the representative of Venezuela to the Secretary-General transmitting the texts of documents issued by the Presidents of the States members of the Rio Group at the Fourth Summit Meeting of the Permanent Mechanism for Consultation and Concerted Political Action, held at Caracas on 11 and 12 October 1990	
A/C.2/45/L.32	Draft resolution	See A/45/854, para. 5
A/C.2/45/L.53	*Idem*	*Ibid.*, paras. 6, 7 and 27, draft resolution I

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[10] See A/44/646.

[11] See *Official Records of the General Assembly, Forty-fifth Session, Supplement No. 49.*

Symbol	*Title or description*	*Observations and references*
A/C.2/45/L.61	*Idem*	*Ibid.*, para. 10
A/C.2/45/L.62	*Idem*	*Ibid.*, para. 15
A/C.2/45/L.63	*Idem*	*Ibid.*, paras. 19 and 27, draft resolution IV
A/C.2/45/L.74	*Idem*	*Ibid.*, paras. 16 and 27, draft resolution III
A/C.2/45/L.75	*Idem*	*Ibid.*, para. 22
A/C.2/45/L.85	*Idem*	*Ibid.*, paras. 11 and 27, draft resolution II
E/1990/28-E/ICEF/1990/13	Report of the Executive Board of the United Nations Children's Fund	*Official Records of the Economic and Social Council, 1990, Supplement No. 8*
E/1990/29	Report of the Governing Council of the United Nations Development Programme on its organizational meeting for 1990, its special session and its thirty-seventh session	*Ibid., Supplement No. 9*
E/1990/99	Report of the Committee on Food Aid Policies and Programmes	

United Nations

GENERAL ASSEMBLY

Official Records

Agenda item 85

ANNEXES

FORTY-FIFTH SESSION

NEW YORK, 1990/1991

Agenda item 85: Training and research:*
(*a*) United Nations Institute for Training and Research;
(*b*) United Nations University

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DOCUMENT A/45/855

Report of the Second Committee

[*Original: English*]
[*17 December 1990*]

1. At its 3rd plenary meeting, on 21 September 1990, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its forty-fifth session, as item 85, and to allocate to the Second Committee for consideration and report the item entitled:

> "Training and research:
>
> "(*a*) United Nations Institute for Training and Research;
>
> "(*b*) United Nations University".

2. The Second Committee considered the item at its 48th, 50th, 51st and 54th meetings, on 26 and 30 November and 5 and 11 December 1990. An account of the Committee's discussion is contained in the relevant summary records (see A/C.2/45/SR.48, 50, 51 and 54). Attention is also drawn to the general debate held by the Committee on all the items allocated to it at its 2nd to 9th meetings, from 8 to 11 October (see A/C.2/45/SR.2-9).

3. For its consideration of the item, the Committee had before it the following documents:

[*See the list of documents at the end of the present fascicle.*]

4. At the 48th meeting, the Rector of the United Nations University made an introductory statement.

5. At the 50th meeting, statements were made by the Under-Secretary-General for International Economic and Social Affairs and by the Under-Secretary-General, Executive Director of the United Nations Institute for Training and Research.

Consideration of proposals

Draft resolutions A/C.2/45/L.68 and L.89

6. At the 51st meeting, the representative of the United Kingdom of Great Britain and Northern Ireland introduced a draft resolution (A/C.2/45/L.68) entitled "United Nations Institute for Training and Research". The draft resolution read as follows:

> "*The General Assembly,*
>
> "*Recalling* its resolution 44/175 of 19 December 1989 and other relevant resolutions,
>
> "*Noting* the report of the Secretary-General (A/45/634),
>
> "1. *Requests* the Secretary-General to submit to the General Assembly at its forty-sixth session a report on the United Nations Institute for Training and Research, containing recommendations on:
>
> "(*a*) The long-term future of the Institute;
>
> "(*b*) The financial situation of the Institute;
>
> "(*c*) The sale of the headquarters building of the Institute and the consultations that the Secretary-General intends to hold on this issue with the Advisory Committee on Administrative and Budgetary Questions;
>
> "(*d*) Any activities carried out by the Institute that could be subject to rationalization;
>
> "2. *Decides* that the budget of the Institute for 1991 will not exceed its realistically projected income;
>
> "3. *Decides* to take a final decision on the future of the Institute at its forty-sixth session."

7. At the 54th meeting, the Committee had before it a draft resolution (A/C.2/45/L.89) submitted by Mr. Carlos Gianelli (Uruguay), Vice-Chairman of the Committee, on the basis of informal consultations held on draft resolution A/C.2/45/L.68.

8. At the same meeting, the Committee adopted draft resolution A/C.2/45/L.89 (see para. 14 below, draft resolution I).

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* For the records of the relevant meetings, see *Official Records of the General Assembly, Forty-fifth Session, Second Committee*, 2nd to 9th, 48th, 50th, 51st and 54th meetings, and corrigendum; and *ibid., Plenary Meetings*, 71st meeting. For the prior consideration of the question, see *Official Records of the General Assembly, Forty-fourth Session, Annexes*, agenda item 87.

9. After the adoption of the draft resolution, statements were made by the representatives of the United Kingdom of Great Britain and Northern Ireland and Cameroon.

10. In the light of the adoption of draft resolution A/C.2/45/L.89, draft resolution A/C.2/45/L.68 was withdrawn by its sponsors.

Draft resolution A/C.2/45/L.70 and Rev.1

11. At the 51st meeting, the representative of Japan, on behalf of Austria, Bangladesh, Brazil, Chile, China, Colombia, Egypt, Finland, Italy, Jamaica, Japan, Jordan, Kenya, Morocco, Nepal, the Netherlands, Pakistan, Peru, Poland, Portugal, Romania, Saudi Arabia, Sri Lanka, Trinidad and Tobago, the Union of Soviet Socialist Republics, Yugoslavia and Zambia, introduced a draft resolution (A/C.2/45/L.70) entitled "United Nations University". The draft resolution read as follows:

"*The General Assembly*,

"*Recalling* its resolution 2951 (XXVII) of 11 December 1972 on the establishment of the United Nations University,

"*Recalling also* its resolution 43/200 of 20 December 1988 on the United Nations University,

"*Taking cognizance* of the important progress made by the University and the relevance of its work to the concerns of the United Nations,

"*Having considered* the report of the Council of the United Nations University on the work of the University in 1989 (A/45/31) and the statement concerning its development in 1990, as presented by the Rector of the University on 26 November 1990 (see A/C.2/45/SR.48),

"*Noting with appreciation* the financial and other contributions made by Governments and organizations in support of the University,

"*Also noting with appreciation* the progress made with regard to the permanent headquarters building in Japan,

"*Taking note* of decision 4.2.2 adopted on 18 May 1990 by the Executive Board of the United Nations Educational, Scientific and Cultural Organization at its one hundred and thirty-fourth session,[1]

"1. *Welcomes* the implementation of the University's programmes of research, advanced training and dissemination of knowledge, within the framework of its second medium-term perspective for 1990-1995;

"2. *Requests* the Council of the United Nations University to review, within the mandate of its Charter, the role and functions of the University Centre in the light of the expansion of its research and training centres and programmes, with a view to maintaining the coherence of the University as a whole;

"3. *Takes note* of the continued high quality and usefulness of the work of the World Institute for Development Economics Research of the United Nations University in Finland and of the decision of the University to undertake a review and evaluation of the work of the Institute, which has completed its first five years of operation;

"4. *Notes with satisfaction* the commencement of the work of the Institute for New Technologies of the United Nations University in the Netherlands, which constitutes a major expansion of the overall programme of the University;

"5. *Welcomes* the progress made in the initiation of a programme for natural resources in Africa, in furtherance of the Lagos Plan of Action for the Implementation of the Monrovia Strategy for the Economic Development of Africa,[2] which is expected to lead to the full realization of the Institute for Natural Resources in Africa;

"6. *Takes note with appreciation* of the progress made with regard to the International Institute for Software Development of the United Nations University, to be located in Macau;

"7. *Also takes note with appreciation* of the progress made with regard to the proposed Institute of Advanced Studies in Japan;

"8. *Requests* the University to continue to foster its substantive collaboration with the United Nations system, in particular with the United Nations Educational, Scientific and Cultural Organization, in areas of global concern;

"9. *Takes note* of the University's important institutional developments and requests it to strengthen its collaboration with international, regional and national academic and scientific institutions, particularly in developing countries, in addressing the global issues elaborated in its second medium-term perspective;

"10. *Requests* the University to continue to intensify its fund-raising efforts to augment its Endowment Fund and mobilize operating contributions and other programme and project support;

"11. *Appeals* to all States to contribute to the Endowment Fund of the University and to make operating contributions, including support for its research and training centres and programmes, in order to expand its worldwide activities, particularly in developing countries, and thus fulfil its mandate in accordance with its Charter and the relevant resolutions of the General Assembly."

12. At the 54th meeting, the Committee had before it a revised version (A/C.2/45/L.70/Rev.1) of the draft resolution, submitted by the sponsors of draft resolution A/C.2/45/L.70, joined by Ghana, Iceland and Mongolia, on the basis of informal consultations held on draft resolution A/C.2/45/L.70.

13. At the same meeting, the Committee adopted draft resolution A/C.2/45/L.70/Rev.1 (see para. 14 below, draft resolution II).

Recommendation of the Second Committee

14. The Second Committee recommends to the General Assembly the adoption of draft resolutions I and II below:

Draft resolution I

UNITED NATIONS INSTITUTE FOR TRAINING AND RESEARCH

The General Assembly,

Recalling its resolutions 41/172 of 5 December 1986, 42/197 of 11 December 1987, 43/201 of 20 December 1988 and 44/175 of 19 December 1989,

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[1] See United Nations Educational, Scientific and Cultural Organization, *Decisions Adopted by the Executive Board at Its One Hundred and Thirty-fourth Session*, Paris, 9-18 May 1990 (134 EX/Decisions).

[2] A/S-11/14, annex I.

Having considered the report of the Secretary-General (A/45/634) and the report of the Executive Director of the United Nations Institute for Training and Research (A/45/14), and taking into account the statements made before the Second Committee on 30 November 1990 by the representative of the Secretary-General and the Executive Director of the Institute (see A/C.2/45/SR.50),

Recognizing the continuing importance and relevance of the functions of the United Nations Institute for Training and Research particularly in the field of training,

Recognizing also the need for Governments to contribute or increase their voluntary contributions, as appropriate, to the Institute,

Noting with concern the continuing lack of a sufficiently broad base of donor countries supporting the Institute,

Paying tribute to the Institute for its activities since its creation in 1965,

Deeply concerned that the sale of the headquarters property of the Institute, which would have enabled a reserve fund for the Institute to be established, has not yet been completed,

Noting with concern that the 1990 United Nations Pledging Conference for Development Activities did not provide the General Fund of the United Nations Institute for Training and Research with the level of resources required for it to maintain a minimum training programme and institutional structure,

1. *Takes note* of the report of the Secretary-General prepared pursuant to General Assembly resolution 44/175 (A/45/634) and the report of the Executive Director of the United Nations Institute for Training and Research (A/45/14);

2. *Strongly reiterates* its urgent desire that the United Nations Institute for Training and Research sell its headquarters property at the earliest reasonable opportunity, preferably within the next twelve months;

3. *Requests* the Secretary-General to appoint an appropriately qualified high-level independent consultant, to be paid from extrabudgetary resources, who would submit a report directly to the Secretary-General containing recommendations on:

(*a*) The continued relevance of the mandate of the Institute, taking into account the relevant resolutions of the General Assembly and other research and training activities of the United Nations system, a review and assessment of all aspects of the current activities of the Institute and their benefits to the United Nations and its Member States, *inter alia*, in the fields of the maintenance of peace and security and the promotion of economic and social development, and an assessment of whether those activities can be more effectively carried out by the Institute or by other bodies in the United Nations system;

(*b*) The overall staffing requirements for the Institute, including the number and level of such staff, in order to meet satisfactorily the needs of the United Nations and its Member States;

(*c*) The financial means for meeting those needs, based on the findings;

(*d*) The feasibility of utilizing the facilities of the Institute for the training of personnel for peace-keeping operations;

4. *Also requests* the Secretary-General to submit the report of the independent consultant to the Advisory Committee on Administrative and Budgetary Questions and to the Board of Trustees of the United Nations Institute for Training and Research for comment and to the General Assembly at its forty-sixth session;

5. *Requests* that the budgetary proposals of the Institute continue to be submitted to the Advisory Committee on Administrative and Budgetary Questions for review and comment prior to approval by the Board of Trustees of the Institute;

6. *Reaffirms* that the activities of the Institute that are not funded from the General Fund of the United Nations Institute for Training and Research shall continue to be funded through voluntary contributions mobilized as special-purpose grants from Governments, intergovernmental organizations, foundations and other non-governmental sources;

7. *Agrees* with the recommendation of the Secretary-General that the Institute should, immediately after the sale of its property, repay the amounts currently owed to the United Nations and use the balance to establish a reserve fund for the Institute;

8. *Recommends* that the Institute, with the Advisory Committee on Administrative and Budgetary Questions, should consider financial mechanisms in order to finance its General Fund budget for 1991;

9. *Decides* to take a decision on the future of the Institute at its forty-sixth session, in accordance with the provisions of General Assembly resolution 42/197;

10. *Encourages* the Secretary-General to continue to explore new modalities for greater interfacing among United Nations research bodies, and requests the Director-General for Development and International Economic Co-operation to continue to organize meetings of United Nations research institutes with a view to enhancing practical co-operation among them, particularly in regard to the formulation and implementation of their programmes and plans;

11. *Requests* the Secretary-General to report to the General Assembly at its forty-sixth session on the implementation of the present resolution.

Draft resolution II

UNITED NATIONS UNIVERSITY

The General Assembly,

Recalling its resolution 2951 (XXVII) of 11 December 1972 on the establishment of the United Nations University,

Recalling also its resolution 43/200 of 20 December 1988 on the United Nations University,

Taking cognizance of the important progress made by the University and the relevance of its work to the concerns of the United Nations,

Having considered the report of the Council of the United Nations University on the work of the University in 1989 (A/45/31) and the statement concerning its development in 1990, made by the Rector of the University before the Second Committee on 26 November 1990 (see A/C.2/45/SR.48),

Noting with appreciation the financial and other contributions made by Governments and organizations in support of the University, *Also noting with appreciation* the progress made with regard to the permanent headquarters building in Japan,

Taking note of decision 4.2.2 on the United Nations University adopted on 18 May 1990 by the Executive Board of the United Nations Educational, Scientific and Cultural Organization at its one hundred and thirty-fourth session,[1]

1. *Welcomes* the implementation of the University's programmes of research, advanced training and dissemination of knowledge, within the framework of its second medium-term perspective, for 1990-1995;

2. *Requests* the Council of the United Nations University to review, within the mandate of its charter, the role and functions of the University Centre in the light of the expansion of its research and training centres and programmes, with a view to maintaining the coherence of the University as a whole;

3. *Takes note* of the continued high quality and usefulness of the work of the World Institute for Development Economics Research of the United Nations University, in Finland, and of the decision of the University to undertake a review and evaluation of the work of the Institute, which has completed its first five years of operation;

4. *Notes with satisfaction* the commencement of the work of the Institute for New Technologies of the United Nations University, in the Netherlands, which constitutes a major expansion of the overall programme of the University;

5. *Welcomes* the progress made in the initiation of a programme for natural resources in Africa, in furtherance of the Lagos Plan of Action for the Implementation of the Monrovia Strategy for the Economic Development of Africa,[2] which is expected to lead to the full realization of the Institute for Natural Resources in Africa;

6. *Notes with appreciation* the progress made with regard to the International Institute for Software Technology of the United Nations University, to be located in Macau;

7. *Also notes with appreciation* the progress made with regard to the proposed Institute of Advanced Studies in Japan;

8. *Requests* the University to continue to foster its substantive collaboration with the United Nations and its system of organizations, in particular with the United Nations Educational, Scientific and Cultural Organization, in areas of global concern;

9. *Takes note* of the University's important institutional developments and requests it to strengthen its collaboration with international, regional and national academic and scientific institutions, particularly in developing countries, in addressing the global issues elaborated in its second medium-term perspective;

10. *Requests* the University to continue to intensify its fund-raising efforts to augment its Endowment Fund and mobilize operating contributions and other programme and project support;

11. *Appeals* to all States to contribute to the Endowment Fund of the University and to make operating contributions, including support for its research and training centres and programmes, in order to enable it to expand its world-wide activities, particularly in developing countries, and thus fulfil its mandate in accordance with its charter and the relevant resolutions of the General Assembly.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 71st plenary meeting, on 21 December 1990, the General Assembly adopted draft resolutions I and II submitted by the Second Committee in its report (A/45/855, para. 14). For the final texts, see resolutions 45/219 and 45/220.[3]

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[3] See *Official Records of the General Assembly, Forty-fifth Session, Supplement No. 49.*

LIST OF OTHER DOCUMENTS PERTAINING TO THE ITEM

Symbol	*Title or description*	*Observations and references*
A/45/14	Report of the Executive Director of the United Nations Institute for Training and Research	*Official Records of the General Assembly, Forty-fifth Session, Supplement No. 14*
A/45/31	Report of the Council of the United Nations University	*Ibid., Supplement No. 31*
A/45/634	Report of the Secretary-General	
A/C.2/45/L.68	Draft resolution	See A/45/855, para. 6
A/C.2/45/L.70	*Idem*	*Ibid.*, para. 11.
A/C.2/45/L.70/Rev.1	Revised draft resolution	*Ibid.*, paras. 12 and 14, draft resolution II
A/C.2/45/L.39	Draft resolution	*Ibid.*, paras. 7 and 14, draft resolution I

United Nations

GENERAL ASSEMBLY

Official Records

Agenda items 86 and 87*

ANNEXES

FORTY-FIFTH SESSION

NEW YORK, 1990/1991

Agenda item 86: Special economic and disaster relief assistance:
(*a*) Office of the United Nations Disaster Relief Co-ordinator;
(*b*) Special programmes of economic assistance
Agenda item 87: International assistance for the economic rehabilitation of Angola

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Document A/45/L.45 and Add.1: Argentina, Bahamas, Barbados, Belize, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Grenada, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Suriname, Uruguay and Venezuela: draft resolution 17

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* For the records of the relevant meetings, see *Official Records of the General Assembly, Forty-fifth Session, Second Committee*, 2nd to 9th, 11th, 12th, 18th, 22nd, 26th, 28th, 35th, 43rd, 46th, 51st, 52nd and 54th meetings, and corrigendum; and *ibid., Plenary Meetings*, 71st, 72nd and 74th to 76th meetings. For the prior consideration of the questions dealt with under the items, see *Official Records of the General Assembly, Forty-fourth Session, Annexes*, agenda items 88 and 160.

DOCUMENT A/45/856

Report of the Second Committee on agenda item 86

[*Original: English*]
[*14 December 1990*]

1. At its 3rd plenary meeting, on 21 September 1990, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its forty-fifth session, as item 86, and to allocate to the Second Committee for consideration and report the item entitled:

"Special economic and disaster relief assistance:

"(*a*) Office of the United Nations Disaster Relief Co-ordinator;

"(*b*) Special programmes of economic assistance".

2. The Second Committee considered the item, together with the question of international assistance for the economic rehabilitation of Angola, item 87, at its 11th, 12th, 18th, 22nd, 26th, 28th, 35th, 43rd, 46th, 51st, 52nd and 54th meetings, on 12, 22, 25, 30 and 31 October, 7, 14 and 20 November and 5, 7 and 11 December 1990. An account of the Committee's discussions is contained in the relevant summary records (see A/C.2/45/SR.11, 12, 18, 22, 26, 28, 35, 43, 46, 51, 52 and 54). Attention is also drawn to the general debate held by the Committee on all the items allocated to it at its 2nd to 9th meetings, from 8 to 11 October (see A/C.2/45/SR.2-9).

3. For its consideration of the item, the Committee had before it the following documents:

[*See the list of documents at the end of the present fascicle.*]

4. At the 11th meeting, introductory statements were made by the Director and Deputy to the United Nations Disaster Relief Co-ordinator and the Chief of the Programme Management Unit of the United Nations Development Programme.

5. At the 18th meeting, introductory statements were made by the United Nations Disaster Relief Co-ordinator and Special Representative of the Secretary-General for the Emergency in Northern Iran, the Director of the Unit for Special Emergency Programmes of the Department for Special Political Questions, Regional Co-operation, Decolonization and Trusteeship, and by the Officer-in-Charge of the

Office of the Co-ordinator of United Nations Assistance for the Reconstruction and Development of Lebanon.

6. At the 26th meeting, the representative of the United Nations Development Programme made an introductory statement.

Consideration of proposals

Draft resolutions A/C.2/45/L.22 and L.67

7. At the 28th meeting, the representative of Bolivia, on behalf of the States Members that are members of the Group of 77, introduced a draft resolution (A/C.2/45/L.22) entitled "Strengthening of the Office of the United Nations Disaster Relief Co-ordinator", which read as follows:

"*The General Assembly*,

"*Deeply concerned* about the increasing vulnerability of countries, in particular developing countries, to natural and other sudden disasters,

"*Aware* of the profound negative impact of such disasters on the economic and social growth of developing countries,

"*Recognizing* the imperative need to ensure a reduction of damage caused by disasters, through the timely adoption of appropriate preventive measures and by means of rapid and effective response when disasters occur,

"*Reaffirming* that the Office of the United Nations Disaster Relief Co-ordinator is the focal point within the United Nations system for matters related to disaster relief and disaster mitigation,

"*Having taken note* of important constraints and difficulties currently facing the Office of the United Nations Disaster Relief Co-ordinator in the discharge of its mandate, as set out in paragraph 1 of General Assembly resolution 2816 (XXVI) of 14 December 1971,

"1. *Endorses* Economic and Social Council resolution 1990/63 of 26 July 1990 concerning the Office of the United Nations Disaster Relief Co-ordinator;

"2. *Requests* the Secretary-General, in this connection, to make proposals at the current session of the General Assembly for the immediate strengthening of the financial and manpower resources of the Office of the United Nations Disaster Relief Co-ordinator so that it may continue to respond in an efficient way to increasing requests from developing countries for disaster relief and mitigation assistance;

"3. *Also requests* the Secretary-General to adapt, in the case of the Office of the United Nations Disaster Relief Co-ordinator, existing United Nations procedures concerning the procurement, transport and storage of emergency supplies, including the establishment of special warehouses as needed, in order to permit the Office to respond in a timely manner to the special and immediate requirements of countries exposed to sudden disasters;

"4. *Authorizes* the Secretary-General to permit the United Nations Disaster Relief Co-ordinator to respond with grants to requests for emergency assistance up to a total of $1 million in any one year, with a ceiling of $50,000 per country in the case of any one disaster;

"5. *Calls upon* Governments and private and voluntary organizations to make generous cash contributions to the existing contingency relief fund of the Office of the United Nations Disaster Relief Co-ordinator so as to provide it with the flexibility necessary to address the specific needs created by a sudden disaster situation;

"6. *Requests* the Secretary-General to include information on the implementation of the present resolution in his next biennial report on the Office, to be submitted to the General Assembly at its forty-seventh session, through the Economic and Social Council at its second regular session of 1992."

8. At the same meeting, Mr. Carlos Gianelli (Uruguay), Vice-Chairman of the Committee, orally revised the draft resolution as follows:

(*a*) Paragraphs 4 and 5 would be combined by inserting "and invites" after the words "any one disaster" and deleting "*Calls upon*" in paragraph 5;

(*b*) Paragraph 6 would be renumbered accordingly.

9. A statement by the Secretary-General on the programme budget implications of the draft resolution, submitted in accordance with rule 153 of the rules of procedure of the General Assembly, was subsequently circulated in document A/C.2/45/L.52.

10. At its 52nd meeting, the Committee had before it a revised draft resolution (A/C.2/45/L.67) submitted by Mr. Carlos Gianelli, Vice-Chairman of the Committee, on the basis of informal consultations held on draft resolution A/C.2/45/L.22.

11. At the same meeting, the Secretary of the Committee orally revised paragraph 2 as follows: delete "so that it may" and replace by "to", and delete "as set out" and replace by ", which are to be included".

12. Before the Committee took action on the draft resolution, statements were made by the representatives of Bolivia, on behalf of the States Members which are members of the Group of 77, Tunisia and Italy, on behalf of the States members of the European Community.

13. The Secretary informed the Committee that draft resolution A/C.2/45/L.67 had no programme budget implications.

14. Also at the same meeting, the Committee adopted the draft resolution as orally revised (see para. 75 below, draft resolution I).

15. After the adoption of the draft resolution, the representative of the Philippines made a statement.

16. In the light of the adoption of draft resolution A/C.2/45/L.67, draft resolution A/C.2/45/L.22 was withdrawn by its sponsors.

Draft resolution A/C.2/45/L.9 and Rev.1

17. At the 22nd meeting, the representative of Egypt, on behalf of Algeria, Bangladesh, Chile, China, Djibouti, Egypt, Japan, Jordan, Lebanon, the Libyan Arab Jamahiriya, Mauritania, Mongolia, Morocco, Oman, Peru, the Syrian Arab Republic, Tunisia, Uruguay and Yugoslavia, introduced a draft resolution (A/C.2/45/L.9) entitled "Assistance for the reconstruction and development of the Republic of Yemen". The draft resolution read as follows:

"*The General Assembly*,

"*Welcoming* the declaration on 22 May 1990 of the merger of the Yemen Arab Republic and the People's Democratic Republic of Yemen to form a single sovereign State called the Republic of Yemen, "*Taking into consideration* that Yemen, being one of the least developed countries, is unable to sustain reconstruction and development programmes in spite of the efforts made by its Government,

"*Recalling* its resolution 44/179 of 19 December 1989 and taking note of Economic and Social Council resolution 1990/65 of 26 July 1990,

"*Noting with deep concern* the economic situation in Yemen, which has been exacerbated recently by the serious and adverse effects of the Gulf crisis,

"1. *Expresses its gratitude* to the States and intergovernmental and non-governmental organizations that responded and are continuing to respond generously to the request of the Government of Yemen for assistance to overcome the economic difficulties resulting from the floods;

"2. *Expresses its appreciation* to the Secretary-General for his efforts, reflected in his report on special programmes of economic assistance (A/45/358 and Add.1), to make the international community aware of the difficulties faced by Yemen and to mobilize assistance for Yemen;

"3. *Renews the request* made to all States, competent United Nations organizations and programmes and international economic and finance institutions to continue to contribute to the reconstruction and development of Yemen;

"4. *Calls upon* the Secretary-General, in co-operation with the concerned organs and organizations of the United Nations system and in close collaboration with the Government authorities, to carry out an evaluation of the requirements of Yemen with a view to drawing up a programme of reconstruction and development of Yemen, following the damage to the infrastructure of the country;

"5. *Also calls upon* the Secretary-General to report to the General Assembly at its forty-sixth session, through the Economic and Social Council at its second regular session of 1991, on the implementation of the present resolution."

18. At its 35th meeting, the Committee had before it a revised version (A/C.2/45/L.9/Rev.1) of the draft resolution submitted by the sponsors of draft resolution A/C.2/45/L.9, joined by Afghanistan, Angola, Chad, Colombia, Costa Rica, Cuba, Somalia, the Sudan and Yemen and subsequently by Suriname.

19. At the same meeting, Mr. Carlos Gianelli, Vice-Chairman of the Committee, read out the following revision agreed upon during informal consultations: in paragraph 2, after the word "report" insert the words "on special programmes of economic assistance".

20. The Committee was informed that the draft resolution contained no programme budget implications.

21. Also at the same meeting, the Committee adopted draft resolution A/C.2/45/L.9/Rev.1 as orally revised (see para. 75 below, draft resolution II).

22. After the adoption of the draft resolution by the Committee, the representatives of Ethiopia and the Philippines announced that their delegations would have liked to be included in the list of sponsors.

23. After the adoption of the draft resolution, the representative of Yemen made a statement.

Draft resolution A/C.2/45/L.10 and Rev.1

24. At the 22nd meeting, the representative of the Central African Republic, on behalf of Algeria, Argentina, Burkina Faso, Burundi, Cameroon, Cape Verde, the Central African Republic, Chad, Chile, China, Colombia, the Comoros, Congo, Côte d'Ivoire, Egypt, France, Gabon, Guinea, Guinea-Bissau, Japan, Mali, Mauritania, Morocco, the Niger, Senegal, Singapore, Togo, Tunisia, the United Kingdom of Great Britain and Northern Ireland, Uruguay and Zaire, introduced a draft resolution (A/C.2/45/L.10) entitled "Special economic assistance to Chad". The draft resolution read as follows:

"*The General Assembly*,

[*Text of the first to fourth preambular paragraphs and paragraphs 1 to 3, 6 and 8 the same as the corresponding preambular paragraphs and paragraphs 1 to 3, 5 and 7 in draft resolution III in paragraph 75 below.*]

"*Recalling* that the third Round-table Conference of Donors to Chad was convened by the Government of Chad, in co-operation with the United Nations Development Programme, at Geneva on 19 and 20 June 1990,

"*Recalling* the Paris Declaration and the Programme of Action for the Least Developed Countries for the 1990s, adopted by the Second United Nations Conference on the Least Developed Countries on 14 September 1990,[1] and mindful of the mutual commitments entered into on that occasion,

"*Noting* that round tables on education, training and employment, technical co-operation, promotion of the private sector, health and social affairs, environment and the struggle against desertification, rural development, food security, water resources and urban development will be convened by the Government of Chad, in collaboration with the United Nations Development Programme, in 1990 and 1991,

"*Noting with satisfaction* that a development orientation plan has been submitted to contributors,

"4. *Notes with satisfaction* that the third Round-table Conference of Donors to Chad was held at Geneva on 19 and 20 June 1990;

"5. *Expresses the wish* that future round tables be held within the framework of the intensified follow-up decided on at the Paris Conference;

"7. *Invites* all States and competent United Nations organizations and programmes to participate actively in the round tables on education, training and employment, technical co-operation, promotion of the private sector, health and social affairs, environment and the struggle against desertification, rural development, food security, water resources and urban development scheduled to be held in 1990 and 1991 at N'Djamena;".

25. At its 35th meeting, the Committee had before it a revised version (A/C.2/45/L.10/Rev.1) of the draft resolution submitted by the sponsors of draft resolution A/C.2/45/L.10, joined by Costa Rica, Peru, the Philippines, the Sudan and Suriname.

26. At the same meeting, Mr. Carlos Gianelli, Vice-Chairman of the Committee, read out the following revision agreed upon during informal consultations: in paragraph 4, replace "Paris" by "Second United Nations".

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[1] A/CONF.147/Misc.9.

27. The Committee was informed that the draft resolution contained no programme budget implications.

28. Also at the same meeting, the Committee adopted draft resolution A/C.2/45/L.10/Rev.1 as orally revised (see para. 75 below, draft resolution III).

29. After the Committee adopted the draft resolution, the representative of Chad made a statement.

Draft resolution A/C.2/45/L.15

30. At the 26th meeting, the representative of Zambia, on behalf of Algeria, Angola, Argentina, Barbados, Botswana, Cape Verde, Chile, Cuba, Egypt, Ethiopia, Ghana, Jamaica, Lesotho, Malawi, Mauritania, Mongolia, Mozambique, Namibia, Nigeria, Peru, Suriname, Swaziland, Uganda, the United Republic of Tanzania, Zambia and Zimbabwe, introduced a draft resolution (A/C.2/45/L.15) entitled "Special assistance to the front-line States". Subsequently, Burkina Faso, Colombia, Costa Rica, Mali, and Trinidad and Tobago joined in sponsoring the draft resolution.

31. At the 51st meeting, Mr. Carlos Gianelli, Vice-Chairman of the Committee, read out the following revisions, which had been agreed upon during informal consultations held on the draft resolution: in paragraph 3, add "past" after "adverse effects of" and "continued" after "aggression and".

32. The Committee was informed that the draft resolution contained no programme budget implications.

33. At the same meeting, the Committee adopted draft resolution A/C.2/45/L.15 as orally revised (see para. 75 below, draft resolution IV).

34. After the Committee adopted the draft resolution, the representatives of Zambia and the United Kingdom of Great Britain and Northern Ireland made statements.

Draft resolution A/C.2/45/L.16

35. At the 26th meeting, the representative of Jordan, on behalf of Bahrain, Chile, Egypt, France, Italy, Jordan, Lebanon, Morocco, Saudi Arabia, Spain, Tunisia and the United Kingdom of Great Britain and Northern Ireland, introduced a draft resolution (A/C.2/45/L.16) entitled "Assistance for the reconstruction and development of Lebanon". Subsequently, Brazil, Colombia, Costa Rica, Cyprus and Yemen joined in sponsoring the draft resolution.

36. At the 46th meeting, Mr. Carlos Gianelli, Vice-Chairman of the Committee, read out the following revision, which had been agreed upon during informal consultations held on the draft resolution: in the third preambular paragraph, replace "events in the Gulf" by "situation between Iraq and Kuwait".

37. The Committee was informed that the draft resolution contained no programme budget implications.

38. At the same meeting, the Committee adopted draft resolution A/C.2/45/L.16 as orally revised (see para. 75 below, draft resolution V).

39. After the adoption of the draft resolution, the representative of Lebanon made a statement.

Draft resolution A/C.2/45/L.17 and Rev.1

40. At the 26th meeting, the representative of the Sudan, on behalf of the Libyan Arab Jamahiriya, Peru, Somalia, Sri Lanka, the Sudan and Yemen, introduced a draft resolution (A/C.2/45/L.17) entitled "Operation Lifeline Sudan", which read as follows:

"*The General Assembly*,

"*Recalling* its resolutions 43/8 of 18 October 1988, 43/52 of 6 December 1988 and 44/12 of 24 October 1989 on assistance to the Sudan,

"*Noting with deep concern* the continuing negative impact of persistent natural disasters and armed conflict in the Sudan, which have resulted in the destruction of the socio-economic infrastructure of that country and large numbers of displaced persons, as well as the expected serious consequences of the most recent drought, namely, crop failures and food shortages,

"*Recognizing* that the Sudan continues to require, as a complement to its own efforts, strong and continued international solidarity and humanitarian support to meet the urgent requirements for relief, rehabilitation and reconstruction,

"*Noting* that the food and non-food requirements of Operation Lifeline Sudan are spelt out in the emergency appeal of May 1990 of the United Nations Children's Fund,[2] the Operation Lifeline Sudan Phase II Background Appeal Document of the Donor Consultation Meeting of 26 March 1990 and the World Food Programme appeal of 20 March 1990,

"*Noting with appreciation* the report on progress in the second phase of Operation Lifeline Sudan made before the Third (Programme and Co-ordination) Committee of the Economic and Social Council, on 11 July 1990, by the Special Representative of the Secretary-General for Emergency and Relief Operations in the Sudan,

"*Taking note* of the message of the President of the Sudan during the recent World Summit for Children, in which he affirmed the readiness of the Government of the Sudan to extend a new period of tranquillity in the southern part of the country to facilitate further success of the process of immunizing every child in southern Sudan,

"*Also taking note* of the recent decision of the Government of the Sudan to allow all United Nations relief flights to resume shipments of food and other relief supplies to meet the requirements of the needy in all parts of the southern Sudan,

"*Noting with appreciation* the readiness of the Government of Sudan to offer all feasible assistance to guarantee maximum success of the second phase of Operation Lifeline Sudan in all parts of the country,

"1. *Expresses its deep gratitude and appreciation* to the States and intergovernmental and non-governmental organizations that are providing assistance to the Government and the people of the Sudan in their relief, rehabilitation and reconstruction efforts in the context of Operation Lifeline Sudan;

"2. *Expresses its full appreciation* to the Secretary-General and the organizations of the United Nations system for the successful co-ordination of and the effective resource mobilization and support for Operation Lifeline Sudan;

"3. *Requests* the Secretary-General, in close co-operation with the Government of the Sudan, to continue to co-ordinate the efforts of the United Nations system to help the Sudan in its emergency, rehabilitation and reconstruction programmes, to mobilize resources for the implementation of those programmes and to keep the international community informed of the needs of that country;

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[2] E/ICEF/624.

"4. *Calls upon* all States to continue to contribute generously to the relief and rehabilitation requirements of displaced persons;

"5. *Also calls upon* all States to respond generously to the appeals for immediate food and non-food relief and rehabilitation support made by the United Nations Children's Fund in May 1990, the Government of the Sudan on 26 March 1990 and the World Food Programme on 20 March 1990;

"6. *Expresses its thanks* to the Secretary-General for his report on emergency assistance to the Sudan and Operation Lifeline Sudan (A/45/547), and requests him to continue to provide information to the General Assembly at its forty-sixth session and to the Economic and Social Council on all matters connected with the implementation of emergency and relief operations in the Sudan."

41. At its 51st meeting, the Committee had before it a revised version (A/C.2/45/L.17/Rev.1) of the draft resolution submitted by the sponsors of draft resolution A/C.2/45/L.17, joined by Afghanistan, Bangladesh, Chad, Chile, China, Colombia, Costa Rica, Egypt, Iraq, Jordan, Malaysia, Mali, Mauritania, Morocco, Nigeria, Oman, Pakistan, the Philippines, Suriname, the Syrian Arab Republic, Tunisia, Uganda and the United Arab Emirates.

42. The Committee was informed that the draft resolution contained no programme budget implications.

43. At the same meeting, the Committee adopted draft resolution A/C.2/45/L.17/Rev.1 (see para. 75 below, draft resolution VI).

44. After the Committee adopted the draft resolution, the representative of the Sudan made a statement.

Draft resolution A/C.2/45/L.18 and Rev.1

45. At the 26th meeting, the representative of the United Republic of Tanzania, on behalf of Afghanistan, Algeria, Argentina, Botswana, Cameroon, Cape Verde, Chile, China, Colombia, the Congo, Cuba, Egypt, Ethiopia, Gabon, Ghana, Guinea-Bissau, Indonesia, Japan, the Libyan Arab Jamahiriya, Malawi, Malaysia, Mali, Mauritania, Mongolia, Mozambique, Myanmar, Namibia, Peru, Portugal, Saudi Arabia, Singapore, Spain, Togo, Tunisia, Uganda, the United Kingdom of Great Britain and Northern Ireland, the United Republic of Tanzania and Zambia, introduced a draft resolution (A/C.2/45/L.18) entitled "Assistance to Mozambique", which read as follows:

"*The General Assembly*,

"*Recalling* Security Council resolution 386 (1976) of 17 March 1976,

"*Recalling also* its relevant resolutions, in particular resolution 43/208 of 20 December 1988, in which it urged the international community to respond effectively and generously to the call for assistance to Mozambique,

"*Having considered* the report of the Secretary-General on emergency assistance to Mozambique (A/45/562),

"*Considering* that Mozambique continues to face a complex emergency situation of extreme proportions, as illustrated in the report of the Secretary-General,

"*Noting with deep concern* that Mozambique has continued to suffer from the negative impact of the war of destabilization, resulting in, *inter alia*, enormous losses of human life, widespread destruction of infrastructure, massive poverty and large numbers of displaced persons, which, combined with an adverse international economic situation, have led to an overall retrogression of the country's development,

"*Stressing* that a proper response to the emergency situation in Mozambique requires the reinforcement of relief aid with additional rehabilitation and development assistance,

"1. *Takes note* of the report of the Secretary-General on emergency assistance to Mozambique;

"2. *Welcomes* the efforts being undertaken by the Government of Mozambique for the restoration of peace and normalization of life in the country, as well as other measures as reflected in its emergency and economic and social recovery programmes, and, in this context, stresses the need for vigorous international assistance in support of these efforts;

"3. *Expresses its appreciation* to, and commends, the Secretary-General and the relevant organizations of the United Nations system for the measures taken to organize international assistance programmes for Mozambique;

"4. *Expresses its gratitude* to all States and regional, intergovernmental and non-governmental organizations that have rendered assistance to Mozambique;

"5. *Recognizes* that substantial international assistance is still required for the implementation of emergency, reconstruction and development programmes and projects;

"6. *Reiterates its appeal* to the international community to continue to provide relief aid, in particular urgent food aid and logistics support, so as to improve distribution capacity and prevent further widespread starvation;

"7. *Draws the attention* of the international community to the non-food sectors, as described in the report on the emergency situation in Mozambique setting out priority requirements for the period 1990-1991,[3] the funding of which continues to lag, particularly in the areas of relief items, agriculture, health, assistance to returnees and institutional support;

"8. *Calls upon* Member States, regional and interregional organizations and other intergovernmental and non-governmental organizations to provide and expand technical, financial and other material assistance to Mozambique wherever possible, especially in the form of grants, and urges them to give priority to the inclusion of Mozambique in their development assistance programmes;

"9. *Invites* all appropriate organizations and programmes of the United Nations system to maintain and increase their current and future programmes of assistance to Mozambique;

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[3] *The Emergency Situation in Mozambique: Priority Requirements for the Period 1990-1991* (United Nations publication, Sales No. E.90.IV.1).

"10. *Requests* the Secretary-General:

"(*a*) To continue his efforts to mobilize the financial, technical and material assistance required by Mozambique;

"(*b*) To continue to co-ordinate the work of the United Nations system, in close co-operation with the Government of Mozambique, in the implementation of the country's emergency and rehabilitation programmes;

"(*c*) To prepare, on the basis of consultations with the Government of Mozambique, a report on the implementation of the emergency and rehabilitation programmes for that country and to submit the report to the General Assembly at its forty-seventh session."

46. At its 35th meeting, the Committee had before it a revised version (A/C.2/45/L.18/Rev.1) of the draft resolution submitted by the sponsors of draft resolution A/C.2/45/L.18, joined by Afghanistan, Australia, Austria, Brazil, Burkina Faso, Cameroon, Costa Rica, Ecuador, Egypt, France, Gabon, Ghana, Indonesia, Italy, Japan, Lesotho, the Libyan Arab Jamahiriya, Mali, Morocco, Myanmar, Senegal, Suriname, Togo, Trinidad and Tobago and Uruguay, subsequently joined by the Philippines and Zimbabwe.

47. The Committee was informed that Australia was not a sponsor of draft resolution A/C.2/45/L.18/Rev.1.

48. The Committee was also informed that the draft resolution contained no programme budget implications.

49. At the same meeting, the Committee adopted draft resolution A/C.2/45/L.18/Rev.1 (see para. 75 below, draft resolution VII).

50. After the Committee adopted the draft resolution, the representative of Mozambique made a statement.

Draft resolution A/C.2/45/L.19

51. At the 28th meeting, the representative of Saudi Arabia, on behalf of Algeria, Argentina, Bahrain, Bangladesh, Brazil, Burkina Faso, Cameroon, Chad, Chile, China, Côte d'Ivoire, Djibouti, Ecuador, Egypt, France, Gabon, India, Indonesia, Italy, Japan, Jordan, Kenya, Kuwait, Lebanon, the Libyan Arab Jamahiriya, Madagascar, Malaysia, Mauritania, Morocco, Oman, Pakistan, Qatar, Saudi Arabia, Singapore, Tunisia, Turkey, the United Arab Emirates, Yemen and Yugoslavia, introduced a draft resolution (A/C.2/45/L.19) entitled "Assistance for the reconstruction and development of Djibouti". Subsequently, Colombia, Costa Rica, Peru, the Philippines, Senegal, Suriname and the Union of Soviet Socialist Republics joined in sponsoring the draft resolution.

52. At the 46th meeting, Mr. Carlos Gianelli, Vice-Chairman of the Committee, read out the following revision, which had been agreed upon during informal consultations held on the draft resolution: add a new paragraph after the sixth preambular paragraph.

53. The Committee was informed that the draft resolution contained no programme budget implications.

54. At the same meeting, the Committee adopted draft resolution A/C.2/45/L.19 as orally revised (see para. 75 below, draft resolution VIII).

55. After the adoption of the draft resolution, the representative of Djibouti made a statement.

Draft resolution A/C.2/45/L.20

56. At the 26th meeting, the representative of Egypt, on behalf of Bahrain, Bangladesh, Cape Verde, Chile, Cyprus, Ecuador, Egypt, Jordan, Kuwait, Lesotho, the Libyan Arab Jamahiriya, Maldives, Mauritania, Oman, Qatar, Rwanda, Saudi Arabia, Sierra Leone, Singapore, Somalia, Sri Lanka, the Sudan, Suriname, the Syrian Arab Republic and Vanuatu, introduced a draft resolution (A/C.2/45/L.20) entitled "Emergency assistance to Somalia". Subsequently, Colombia, Costa Rica, Guinea-Bissau, Mozambique, Myanmar, Peru, the Philippines and Senegal joined in sponsoring the draft resolution.

57. At the 35th meeting, Mr. Carlos Gianelli, Vice-Chairman of the Committee, read out the following revision, which had been agreed upon during informal consultations held on the draft resolution: delete the first preambular paragraph. The paragraph read: "*Having considered* the question of emergency assistance to Somalia,".

58. The Committee was informed that the draft resolution contained no programme budget implications.

59. At the same meeting, the Committee adopted draft resolution A/C.2/45/L.20 as orally revised (see para. 75 below, draft resolution IX).

60. After the adoption of the draft resolution, the representative of Somalia made a statement.

Draft resolution A/C.2/45/L.28 and Rev.1

61. At the 35th meeting, the representative of Ecuador, on behalf of Benin, the Central African Republic, Ecuador, Madagascar and Vanuatu, subsequently joined by Algeria, Argentina, Barbados, Bolivia, Brazil, Burkina Faso, Cameroon, Cape Verde, Chad, Chile, Colombia, the Comoros, Cuba, the Dominican Republic, Egypt, Ethiopia, Ghana, Guatemala, Guinea, Guyana, India, Jamaica, Lesotho, Mali, Morocco, Namibia, Nigeria, Papua New Guinea, Peru, Togo, Uganda and Yugoslavia, introduced a draft resolution (A/C.2/45/L.28) entitled "Assistance to Benin, the Central African Republic, Ecuador, Madagascar and Vanuatu", which read as follows:

"*The General Assembly*,

"*Recalling* its resolution 43/211 of 20 December 1988 on assistance to Benin, the Central African Republic, Democratic Yemen, Djibouti, Ecuador, Madagascar and Vanuatu and its previous resolutions on assistance to those countries,

"*Having considered* the relevant report of the Secretary-General (A/45/358 and Add.1),

"*Deeply concerned* at the seriousness of the economic and financial crisis faced by these countries, which have now been hit, *inter alia*, by the economic repercussions of the Gulf crisis — an economic and financial crisis which is heightened by the catastrophic effects of natural disasters,

"*Noting* that, despite the structural adjustment programmes carried out by most of these countries, their economic and financial performance for the past two years has continued to be poor, and stressing the need for vigorous support of these programmes and for action to alleviate the impact of the adjustment policies being implemented, especially in the social sphere,

"*Noting* that Benin is still facing a financial crisis, which reached its peak in 1989 as a result of the erosion of the tax base, the collapse of the banking system, the fall in productivity of the revenue services, the persistence of the consequences of the disastrous floods of 1988 and the economic crisis in the region,

"*Noting* the grave difficulties that the Government of the Central African Republic has continued to face since 1982 in achieving the objectives of its development programme owing to the adverse effects of the international economic situation and to the need to devote more supplementary resources to that programme in order to achieve its objectives fully,

"*Bearing in mind* the economic and financial consequences of the earthquakes of March 1987 in Ecuador and their negative impact on that country's balance of payments, and taking into account the fact that all the efforts made by the Government of Ecuador to ameliorate that adverse situation have not produced the desired results, since the effects of the international economic crisis seriously impede the entire economic and social development process,

"*Noting* that Madagascar's economic and social development efforts are being thwarted by the adverse effects of the cyclones and floods that afflict that country periodically, and that the implementation of reconstruction and rehabilitation programmes requires the mobilization of substantial resources that are beyond the country's real means,

"*Also noting* that Vanuatu, an island developing country, continues to experience severe constraints in its economic and social development as a consequence, *inter alia*, of declining export prices leading to a deterioration in its terms of trade and of a high population growth rate coupled with an absence of skilled manpower,

"*Further noting* the particularly difficult problems faced by island developing countries in responding to negative and special economic circumstances, as referred to in the report of the Secretary-General[4] called for in General Assembly resolution 43/189 of 20 December 1988,

"*Taking note* of the Paris Declaration and the Programme of Action for the Least Developed Countries for the 1990s, adopted by the Second United Nations Conference on the Least Developed Countries on 14 September 1990,[1] and mindful of the mutual commitments entered into on that occasion, as well as the importance to be attached to the follow-up to the Conference,

"*Having heard* the statements of Member States at its forty-fifth session on the current situations in those countries,

"1. *Expresses its appreciation* to the Secretary-General, Member States, specialized agencies and other organizations of the United Nations system and regional, interregional and intergovernmental organizations for the assistance they have provided or pledged to those countries;

"2. *Expresses its appreciation* for the efforts undertaken by the Governments of those countries to overcome their economic and financial difficulties;

"3. *Reaffirms the need* for all Governments and international organizations to fulfil the commitments undertaken within the framework of the United Nations Programme of Action for African Economic Recovery and Development 1986-1990,[5] the Declaration on International Economic Co-operation, in particular the Revitalization of Economic Growth and Development in the Developing Countries,[6] and the Paris Declaration adopted by the Second United Nations Conference on the Least Developed Countries;[7]

"4. *Notes with concern* that the assistance made available to those countries has not been adequate to meet their urgent requirements and that additional assistance is needed;

"5. *Appeals* to Member States, international financial institutions, the specialized agencies and organizations and programmes of the United Nations system, humanitarian organizations and voluntary agencies to respond generously and urgently to the needs of those countries as identified in the report of the Secretary-General (*ibid.*) and to continue and increase their assistance in response to the reconstruction, economic recovery and development needs of those countries;

"6. *Requests* the Secretary-General to take the necessary steps and to mobilize the resources needed, in collaboration with the organs, agencies and programmes of the United Nations system, in accordance with resolution 43/211 on special programmes of economic assistance, to provide assistance for all disasters, natural or otherwise, striking those countries, both in order to meet any reconstruction needs resulting from disasters that have already occurred and in order to implement preventive programmes to reduce the effects of future disasters;

"7. *Also requests* the Secretary-General to submit to it a report on the implementation of the present resolution, containing:

"(*a*) An analysis of the present situation in each country;

"(*b*) The identification of priorities for action by the international community;

"(*c*) An assessment of the assistance actually received;

"(*d*) A list of needs still unmet and specific proposals for responding to them effectively."

62. In introducing the draft resolution, the representative of Ecuador proposed the following oral revisions:

(*a*) At the end of the second preambular paragraph, delete "and Add.1" from the symbol;

(*b*) In the third preambular paragraph, replace "faced by" with "prevailing in", and delete "which have now been hit, *inter alia*, by the economic repercussions of the Gulf crisis—an economic and financial crisis".

63. At its 46th meeting, the Committee had before it a revised version (A/C.2/45/L.28/Rev.1) of the draft resolution, submitted by the sponsors of draft resolution A/C.2/45/L.28, joined by Japan and the Philippines.

64. The Committee was informed that the draft resolution contained no programme budget implications.

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[4] A/43/513 and Corr.1.

[5] Resolution S-13/2, annex.

[6] Resolution S-18/3, annex.

[7] See A/CONF.147/Misc.9.

65. At the same meeting, the Committee adopted draft resolution A/C.2/45/L.28/Rev.1 (see para. 75 below, draft resolution X).

66. After the adoption of the draft resolution, the representative of Benin made a statement.

Draft resolution A/C.2/45/L.34

67. At the 43rd meeting, the representative of Nicaragua, on behalf of Argentina, Austria, Belgium, Belize, Bolivia, Canada, Chile, Colombia, Costa Rica, Cuba, Czechoslovakia, Denmark, the Dominican Republic, Ecuador, El Salvador, Finland, France, Germany, Greece, Guatemala, Honduras, Hungary, Ireland, Italy, Luxembourg, Mexico, the Netherlands, Nicaragua, Norway, Paraguay, Peru, Poland, Portugal, Spain, Suriname, Sweden, the United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela and Yugoslavia, introduced a draft resolution (A/C.2/45/L.34) entitled "Special Plan of Economic Co-operation for Central America". Subsequently, Brazil, Japan, the Philippines, Romania, Trinidad and Tobago, the Union of Soviet Socialist Republics and the United States of America joined in sponsoring the draft resolution.

68. At the 46th meeting, Mr. Carlos Gianelli, Vice-Chairman of the Committee, read out the following revision, which had been agreed upon during informal consultations held on the draft resolution: in paragraph 9, insert "favourable and" after "financial resources on".

69. Before the Committee took action on the draft resolution, the representative of Costa Rica made a statement.

70. The Committee was informed that the draft resolution contained no programme budget implications.

71. At the same meeting, the Committee adopted draft resolution A/C.2/45/L.34 as orally revised (see para. 75 below, draft resolution XI).

Draft resolution A/C.2/45/L.86

72. At the 54th meeting, Mr. Carlos Gianelli, Vice-Chairman of the Committee, on behalf of the African States, Cuba, Trinidad and Tobago, the United Kingdom of Great Britain and Northern Ireland and the United States of America, subsequently joined by Italy, submitted a draft resolution (A/C.2/45/L.86) entitled "Emergency assistance for Liberia", and orally revised it as follows: in the first preambular paragraph, replace "600,000" by "750,000".

73. At the same meeting, the Committee adopted draft resolution A/C.2/45/L.86 as orally revised (see para. 75 below, draft resolution XII).

74. After the adoption of the draft resolution, the representative of Liberia made a statement.

Recommendation of the Second Committee

75. The Second Committee recommends to the General Assembly the adoption of draft resolutions I to XII below:

Draft resolution I

STRENGTHENING OF THE OFFICE OF THE UNITED NATIONS DISASTER RELIEF CO-ORDINATOR

The General Assembly,

Deeply concerned about the increasing vulnerability of countries, in particular developing countries, to natural and other sudden disasters,

Aware of the profound negative impact of such disasters on the economic and social growth of developing countries,

Recognizing the imperative need to ensure a reduction of damage caused by disasters, through the timely adoption of appropriate preventive measures and by means of rapid and effective response when disasters occur,

Reaffirming that the Office of the United Nations Disaster Relief Co-ordinator is the focal point within the United Nations system for matters related to disaster relief and disaster mitigation,

Having noted the constraints and difficulties currently facing the Office of the United Nations Disaster Relief Co-ordinator in the discharge of its mandate, as set out in paragraph 1 of General Assembly resolution 2816 (XXVI) of 14 December 1971,

1. *Endorses* Economic and Social Council resolution 1990/63 of 26 July 1990 concerning the Office of the United Nations Disaster Relief Co-ordinator;

2. *Requests* the Secretary-General, in this connection, taking into account, *inter alia*, the experience gained by the Office of the Co-ordinator in the situation between Iraq and Kuwait, to make proposals to the Economic and Social Council at its second regular session of 1991 for the strengthening of the capacity of the Office of the Co-ordinator to fulfil its mandate, which are to be included in the proposed programme budget for the biennium 1992-1993 in the light of an overall analysis of the capacity of the United Nations system to respond to calls for disaster mitigation and emergency relief assistance and of the role played by the Office of the Co-ordinator in this field which should address, *inter alia*, the implementation of General Assembly decision 42/433 of 11 December 1987 and the strengthening of arrangements for the response to complex emergencies;

3. *Also requests* the Secretary-General to consider, within the framework of the overall analysis described in paragraph 2 above, the need to adapt further, in the case of the Office of the Co-ordinator, existing United Nations procedures concerning the procurement, transport and storage of emergency supplies, including the establishment of special warehouses as needed, in order to permit the Office to respond in a timely manner to the special and immediate requirements of countries exposed to sudden disasters;

4. *Recognizes* the importance for the Office of the Co-ordinator to be in a position immediately to provide small emergency grants to countries stricken by disasters to meet their most immediate needs;

5. *Notes*, in that respect, the pressure on existing budgetary provisions for present and future needs during the biennium 1990-1991;

6. *Requests* the Economic and Social Council to review the situation at its second regular session of 1991 and authorizes the Office of the Co-ordinator, pending that review, to continue to make grants available to disaster-stricken countries, not to exceed 50,000 United States dollars per disaster, out of the existing reserve of 360,000 dollars allocated for that purpose in the programme budget of the Office for the biennium 1990-1991;

7. *Calls upon* Governments and private and voluntary organizations to make generous cash contributions to the existing contingency relief fund of the Office of the Co-ordinator so as to provide it with the flexibility necessary to address specific needs created by sudden disaster situations;

8. *Requests* the Secretary-General to include information on the implementation of the present resolution in his next biennial report on the Office of the Co-ordinator, which will be submitted to the General Assembly on an exceptional basis at its forty-sixth session, through the Economic and Social Council at its second regular session of 1991.

Draft resolution II

ASSISTANCE FOR THE RECONSTRUCTION AND DEVELOPMENT OF YEMEN

The General Assembly,

Welcoming the declaration on 22 May 1990 of the merger of the Yemen Arab Republic and the People's Democratic Republic of Yemen to form a single sovereign State called the Republic of Yemen,

Recalling its resolution 44/179 of 19 December 1989 and taking note of Economic and Social Council resolution 1990/65 of 26 July 1990,

Taking into consideration the fact that Yemen, being one of the least developed countries, is unable to sustain reconstruction and development programmes in spite of the efforts made by its Government,

Taking note of the Paris Declaration and the Programme of Action for the Least Developed Countries for the 1990s, adopted by the Second United Nations Conference on the Least Developed Countries on 14 September 1990,[1] and the mutual commitments entered into on that occasion,

Noting that the response of the international community to General Assembly resolution 44/179 has not achieved the expected goal in meeting the rehabilitation and reconstruction needs arising from the damages inflicted by the floods of 1982 and 1989,

Noting with deep concern the economic situation in Yemen, which has been exacerbated recently by the serious and adverse effects of the situation between Iraq and Kuwait,

1. *Expresses its gratitude* to the States and intergovernmental and non-governmental organizations that responded and are continuing to respond generously to the request of the Government of Yemen for assistance to overcome the economic difficulties resulting from the floods;

2. *Expresses its appreciation* to the Secretary-General for his efforts, reflected in his report on special programmes of economic assistance (A/45/669), to make the international community aware of the difficulties faced by Yemen and to mobilize assistance for the country;

3. *Renews the request* made to all States, competent United Nations organizations and programmes and international economic and finance institutions to continue to contribute to the reconstruction and development of Yemen;

4. *Calls upon* the Secretary-General, in co-operation with the concerned organs and organizations of the United Nations system and in close collaboration with the Government authorities, to carry out an evaluation of the requirements of Yemen with a view to drawing up a programme for the reconstruction and development of Yemen, following the damage to the infrastructure of the country;

5. *Expresses the wish* that its future round-table meetings be held within the framework of the intensified follow-up called for by the Second United Nations Conference on the Least Developed Countries;

6. *Calls upon* the Secretary-General to report to the General Assembly at its forty-sixth session, through the Economic and Social Council at its second regular session of 1991, on the implementation of the present resolution.

Draft resolution III

SPECIAL ECONOMIC ASSISTANCE TO CHAD

The General Assembly,

Recalling its resolution 44/176 of 19 December 1989 and its previous resolutions on assistance in the reconstruction, rehabilitation and development of Chad and on special economic assistance to that country,

Recalling the round table on assistance to Chad, convened by the United Nations Development Programme at Geneva on 4 and 5 December 1985 in accordance with the arrangements agreed upon at the International Conference on Assistance to Chad, held in November 1982,

Having considered the report of the Secretary-General (A/45/358) dealing with, *inter alia*, the status of assistance provided for the rehabilitation and reconstruction of the country and the progress made in organizing and executing the programme of assistance for that country,

Considering that the effects of war and recent natural calamities and disasters are compromising all the reconstruction and development efforts of the Government of Chad,

Noting with satisfaction that the third Round-table Conference of Donors to Chad, convened by the Government of Chad in co-operation with the United Nations Development Programme, was held at Geneva on 19 and 20 June 1990 and that a development orientation plan was submitted to donors on that occasion by the Government of Chad,

Taking note of the Paris Declaration and the Programme of Action for the Least Developed Countries for the 1990s, adopted by the Second United Nations Conference on the Least Developed Countries on 14 September 1990,[1] and mindful of the mutual commitments entered into on that occasion,

Noting that round tables on education, training and employment, technical co-operation, promotion of the private sector, health and social affairs, environment and the struggle against desertification, rural development, food security and water resources and urban development will be convened by the Government of Chad, in collaboration with the United Nations Development Programme, in 1990 and 1991,

1. *Expresses its gratitude* to the States and intergovernmental and non-governmental organizations that responded and are continuing to respond generously to the appeals of the Government of Chad and of the Secretary-General by furnishing assistance to Chad;

2. *Expresses its appreciation* to the Secretary-General for his efforts to make the international community aware of the difficulties of Chad and to mobilize assistance for that country;

3. *Renews the request* made to all States, competent United Nations organizations and programmes and international economic and financial institutions to continue to contribute to the rehabilitation and development of Chad;

4. *Expresses the wish* that future round tables on Chad be held within the framework of the intensified follow-up

decided on at the Second United Nations Conference on the Least Developed Countries;

5. *Requests* the Secretary-General to continue to assess, in close collaboration with the humanitarian agencies concerned, the humanitarian needs, particularly in the areas of health and food, of the displaced populations;

6. *Invites* all States and competent United Nations organizations and programmes to participate actively in the different round tables scheduled to be held in 1990 and 1991 at N'Djamena;

7. *Calls upon* the Secretary-General to keep the situation in Chad under review and to report thereon to the General Assembly at its forty-sixth session.

Draft resolution IV

SPECIAL ASSISTANCE TO THE FRONT-LINE STATES

The General Assembly,

Recalling its resolutions 41/199 of 8 December 1986, 42/201 of 11 December 1987, 43/209 of 20 December 1988 and 44/181 of 19 December 1989,

Having considered the report of the Secretary-General on special assistance to front-line States and other neighbouring States (A/45/479 and Corr.1),

Reaffirming the provisions of the Declaration on *Apartheid* and its Destructive Consequences in Southern Africa, contained in the annex to its resolution S-16/1 of 14 December 1989, in particular paragraph 9 (*e*) thereof, in which the States Members of the United Nations decided to render all possible assistance to the front-line and neighbouring States to enable them to rebuild their economies, which have been adversely affected by South Africa's acts of aggression and destabilization, and to withstand any further such acts,

Aware that the continuing existence of the *apartheid* system in South Africa aggravates economic and social problems confronting the front-line States and other neighbouring States,

Noting the evolving situation in South Africa,

Conscious of the urgent need and responsibility of the international community to address the problems affecting the region,

Mindful of Security Council resolutions 568 (1985) of 21 June 1985, 571 (1985) of 20 September 1985 and 581 (1986) of 13 February 1986, in which the Council, *inter alia*, requested the international community to render assistance to the front-line States,

1. *Expresses its appreciation* to the Secretary-General for his efforts regarding assistance to the front-line States;

2. *Notes with appreciation* the assistance being rendered to the front-line States by donor countries and intergovernmental and non-governmental organizations;

3. *Expresses its deep concern* about the adverse effects of past acts of aggression and continued destabilization undertaken directly or indirectly through surrogates against front-line States and other neighbouring States;

4. *Strongly urges* the international community to continue to provide in a timely and effective manner the financial, material and technical assistance necessary to enhance the individual and collective capacity of the front-line States and other neighbouring States to withstand the effects of economic measures taken by South Africa, or by the international community against South Africa, in accordance with their national and regional plans and strategies;

5. *Requests* the Secretary-General and organizations and bodies of the United Nations system to respond to such requests for assistance as might be forthcoming from individual States or the appropriate subregional organizations, and further urges all States and intergovernmental and non-governmental organizations to respond favourably to such requests;

6. *Appeals* to all States and appropriate intergovernmental and non-governmental organizations to support the national and collective emergency programmes prepared by the front-line States and other neighbouring States to overcome the critical problems arising from the situation in South Africa;

7. *Requests* the Secretary-General to report to the General Assembly at its forty-sixth session on the progress made in the implementation of the present resolution.

Draft resolution V

ASSISTANCE FOR THE RECONSTRUCTION AND DEVELOPMENT OF LEBANON

The General Assembly,

Recalling its resolution 44/180 of 19 December 1989 and its previous resolutions on assistance for the reconstruction and development of Lebanon,

Taking note of Economic and Social Council resolution 1990/66 of 26 July 1990 and recalling the relevant resolutions and decisions previously adopted by the Council,

Noting with deep concern the grave deterioration of the economic situation in Lebanon, compounded recently by the severe drop in remittances, the loss of a major export market and the subsequent sharp decline in the value of the Lebanese pound on the exchange market, owing in particular to the situation between Iraq and Kuwait,

Reaffirming the urgent need for further international action to assist the Government of Lebanon in its continuing efforts for reconstruction and development,

Taking note of the report of the Secretary-General (A/45/566) and of the statement made before the Second Committee of the General Assembly on 22 October 1990 on behalf of the Special Representative of the Secretary-General for the Reconstruction and Development of Lebanon (see A/C.2/45/SR.18),

1. *Expresses its appreciation* to the Secretary-General for his report and for the steps he has taken to mobilize assistance to Lebanon;

2. *Commends* the Under-Secretary-General for Political and General Assembly Affairs and Secretariat Services for his co-ordination of system-wide assistance to Lebanon;

3. *Requests* the Secretary-General to continue and intensify his efforts to mobilize all possible assistance within the United Nations system to help Lebanon in its reconstruction and development efforts;

4. *Calls upon* the organs, organizations and bodies of the United Nations system to intensify their programmes of assistance and to expand them in response to the pressing needs of Lebanon, and to take the steps necessary to ensure that their offices in Beirut are operational and adequately staffed at the senior level;

5. *Requests* the Secretary-General to report to the General Assembly at its forty-sixth session on the progress made in the implementation of the present resolution.

Draft resolution VI

OPERATION LIFELINE SUDAN

The General Assembly,

Recalling its resolutions 43/8 of 18 October 1988, 43/52 of 6 December 1988 and 44/12 of 24 October 1989 on assistance to the Sudan,

Deeply concerned at the continuing negative impact of persistent natural disasters and armed conflict in the Sudan, which have resulted in the destruction of the socio-economic infrastructure of that country and large numbers of displaced persons, as well as the expected serious consequences of the most recent drought, namely, crop failures and food shortages,

Recognizing that the Sudan continues to require, as a complement to its own efforts, strong and continued international solidarity and humanitarian support to meet the urgent requirements for relief, rehabilitation and reconstruction,

Noting that the food and non-food requirements of Operation Lifeline Sudan are spelt out in the emergency appeal of May 1990 of the United Nations Children's Fund, the Operation Lifeline Sudan Phase II Background Appeal Document of the Donor Consultation Meeting of 26 March 1990 and the World Food Programme appeal of 20 March 1990,

Noting with appreciation the report on progress in the second phase of Operation Lifeline Sudan made before the Third (Programme and Co-ordination) Committee of the Economic and Social Council on 11 July 1990 by the Special Representative of the Secretary-General for Emergency and Relief Operations in the Sudan,

Taking note of the recent decision of the Government of the Sudan during the World Summit for Children, held in New York on 29 and 30 September 1990, to extend a new period of tranquillity in the southern part of the country,

1. *Attaches importance* to the established principles governing United Nations emergency programmes in conflict situations, including the principle of safe access for personnel providing relief to all in need, which should be implemented with the co-operation of all parties concerned;

2. *Expresses its deep gratitude and appreciation* to the States and intergovernmental and non-governmental organizations that are providing assistance to the Government and the people of the Sudan in their relief, rehabilitation and reconstruction efforts in the context of Operation Lifeline Sudan;

3. *Expresses its full appreciation* to the Secretary-General and the organizations of the United Nations system for the successful co-ordination of and the effective resource mobilization and support for Operation Lifeline Sudan;

4. *Requests* the Secretary-General, in close co-operation with the Government of the Sudan, to continue to co-ordinate the efforts of the United Nations system to help the Sudan in its emergency, rehabilitation and reconstruction programmes, to mobilize resources for the implementation of those programmes and to keep the international community informed of the needs of that country;

5. *Calls upon* all States to continue to contribute generously to the relief and rehabilitation requirements of displaced persons;

6. *Also calls upon* all States to respond generously to the appeals for immediate food and non-food relief and rehabilitation support made by the United Nations Children's Fund in May 1990, the Government of the Sudan on 26 March 1990 and the World Food Programme on 20 March 1990;

7. *Urges* the Government of the Sudan and other parties involved to offer all feasible assistance, including facilitating the movement of relief supplies and personnel, to guarantee maximum success of the second phase of Operation Lifeline Sudan in all parts of the country;

8. *Takes note with appreciation* of the report of the Secretary-General on Operation Lifeline Sudan (A/45/547), and requests him to monitor and assess the evolution of the emergency situation and to report to the General Assembly at its forty-sixth session, through the Economic and Social Council, on all matters connected with the implementation of emergency and relief operations in the Sudan and to offer appropriate briefings during the intervening period.

Draft resolution VII

ASSISTANCE TO MOZAMBIQUE

The General Assembly,

Recalling Security Council resolution 386 (1976) of 17 March 1976,

Recalling also its relevant resolutions, in particular resolution 43/208 of 20 December 1988, in which it urged the international community to respond effectively and generously to the call for assistance to Mozambique,

Taking note of the Paris Declaration and the Programme of Action for the Least Developed Countries for the 1990s, adopted by the Second United Nations Conference on the Least Developed Countries on 14 September 1990,[1] and mindful of the mutual commitments undertaken for a strengthened partnership for development and the importance to be given to the follow-up to the recommendations of that Conference,

Having considered the report of the Secretary-General on emergency assistance to Mozambique (A/45/562),

Considering that Mozambique continues to face a complex emergency situation of extreme proportions, as illustrated in the report of the Secretary-General,

Noting with deep concern that Mozambique has continued to suffer from the negative impact of the war of destabilization, resulting in, *inter alia*, enormous losses of human life, widespread destruction of infrastructure, massive poverty and large numbers of displaced persons, which, combined with an adverse international economic situation, have led to an overall retrogression of the country's development,

Stressing that a proper response to the emergency situation in Mozambique requires the reinforcement of relief aid with additional rehabilitation and development assistance,

1. *Takes note* of the report of the Secretary-General on emergency assistance to Mozambique;

2. *Welcomes* the efforts being undertaken by the Government of Mozambique for the restoration of peace and normalization of life in the country, as well as other measures as reflected in its emergency and economic and social

recovery programmes, and, in this context, stresses the need for vigorous international assistance in support of these efforts;

3. *Expresses its appreciation* to, and commends, the Secretary-General and the relevant organizations of the United Nations system for the measures taken to organize international assistance programmes for Mozambique;

4. *Expresses its gratitude* to all States and regional, intergovernmental and non-governmental organizations that have rendered assistance to Mozambique;

5. *Recognizes* that substantial international assistance is still required for the implementation of emergency, reconstruction and development programmes and projects;

6. *Reiterates its appeal* to the international community to continue to provide relief aid, in particular urgent food aid and logistics support, so as to improve distribution capacity and prevent further widespread starvation;

7. *Draws the attention* of the international community to the non-food sectors, as described in the report on the emergency situation in Mozambique setting out priority requirements for the period 1990-1991,[3] the funding of which continues to lag, particularly in the areas of relief items, agriculture, health, assistance to returnees and institutional support;

8. *Calls upon* Member States, regional and interregional organizations and other intergovernmental and non-governmental organizations to provide and expand technical, financial and other material assistance to Mozambique wherever possible, especially in the form of grants, and urges them to give priority to the inclusion of Mozambique in their development assistance programmes;

9. *Invites* all appropriate organizations and programmes of the United Nations system to maintain and increase their current and future programmes of assistance to Mozambique;

10. *Requests* the Secretary-General:

(*a*) To continue his efforts to mobilize the financial, technical and material assistance required by Mozambique;

(*b*) To continue to co-ordinate the work of the United Nations system, in close co-operation with the Government of Mozambique, in the implementation of the country's emergency and rehabilitation programmes;

(*c*) To prepare, on the basis of consultations with the Government of Mozambique, a report on the implementation of the emergency and rehabilitation programmes for that country and to submit the report to the General Assembly at its forty-seventh session.

Draft resolution VIII

ASSISTANCE FOR THE RECONSTRUCTION AND DEVELOPMENT OF DJIBOUTI

The General Assembly,

Recalling its resolution 44/177 of 19 December 1989 and its previous relevant resolutions on economic assistance to Djibouti,

Taking note of the Paris Declaration and the Programme of Action for the Least Developed Countries for the 1990s, adopted by the Second United Nations Conference on the Least Developed Countries on 14 September 1990,[1] and mindful of the mutual commitments undertaken on that occasion, as well as the importance to be attached to the follow-up to that Conference,

Deeply concerned about the extensive damage and devastation in Djibouti caused by the unprecedented torrential rains and floods in April 1989,

Noting with concern the destruction of thousands of dwellings, particularly in working-class areas, and the damage to major sectors of the national infrastructure, particularly the road network, the water supply, health centres and hospitals, educational establishments and other public services,

Considering the severe damage to the scarce agricultural resources of Djibouti, including the destruction of its livestock,

Noting that the economic and social development efforts of Djibouti, which is included in the list of least developed countries, are thwarted by the negative consequences of the torrential rains and floods that periodically devastate that vulnerable country, and that the implementation of reconstruction and development programmes requires the deployment of considerable resources, which exceed the real capacities of the country,

Noting also that the harsh climate and the chronic dryness preclude any agricultural activity of scale and that the persistent effects of a cyclical drought have devastating consequences for the already precarious economic and social development of Djibouti,

Noting with concern that the situation in Djibouti has been adversely affected by recent events in the Horn of Africa, and noting the recent influx of over 50,000 persons displaced from their countries, which has placed serious strains on the fragile economic, social and administrative infrastructure of the country,

Noting the extremely critical economic situation of Djibouti, resulting from its geographical position and from the number of priority of development projects that have been suspended in the light of the new critical international situation,

Taking note of the reports of the Secretary-General to the Economic and Social Council at its second regular session of 1990 and to the General Assembly at its forty-fifth session (A/45/358),

Noting with gratitude the support provided to emergency relief operations during the floods in 1989 by various countries and intergovernmental and non-governmental organizations,

1. *Declares its solidarity* with the Government and people of Djibouti in the face of the devastating consequences of the torrential rains and floods and the new and difficult economic realities of Djibouti;

2. *Endorses* the evaluations and the recommendations of the various missions dispatched to Djibouti, which the Secretary-General takes into account in his report (*ibid.*);

3. *Calls upon* the Secretary-General, in co-operation with the concerned organs and organizations of the United Nations system and in close collaboration with the Government authorities, to carry out a re-evaluation of the requirements of Djibouti, in the light of its new and pressing needs, with a view to drawing up not only an urgent programme of rehabilitation and reconstruction, but also a sustained and suitable long-term development programme;

4. *Calls upon* all States, all regional and interregional organizations, non-governmental organizations and other intergovernmental agencies, in particular the United Nations Development Programme, the United Nations Children's Fund, the World Food Programme, the United Nations Industrial Development Organization, the Food and Agriculture Organization of the United Nations, the International Fund for Agricultural Development and the World Bank, to provide Djibouti with substantial and appropriate assistance, on both a bilateral and a multilateral basis, to enable it to cope with its special economic difficulties;

5. *Requests* the Secretary-General to continue his efforts to mobilize the resources necessary for an effective programme of financial, technical and material assistance to Djibouti;

6. *Also requests* the Secretary-General to arrange for a study of the economic situation of Djibouti and of the progress made in the organization and implementation of the new special programme of economic assistance for the country, in time for the question to be considered by the General Assembly at its forty-sixth session.

Draft resolution IX

EMERGENCY ASSISTANCE TO SOMALIA

The General Assembly,

Recalling its resolutions 43/206 of 20 December 1988 and 44/178 of 19 December 1989, as well as Economic and Social Council decision 1989/111 of 22 May 1989 concerning emergency assistance to Somalia,

Extremely concerned at the massive displacement of the population in the affected regions of northern Somalia, the extensive damage and destruction of infrastructure and the widespread disruption of public services,

Noting with satisfaction the measures taken by the Secretary-General to obtain an assessment of the emergency and rehabilitation needs of the displaced population,

Reaffirming the need for the international community to respond fully to requests for emergency humanitarian and rehabilitation assistance for Somalia,

Considering that Somalia, as one of the least developed countries, is unable to cope with the mounting burden of providing adequate food, medicine and shelter for the large number of displaced people,

Taking note of the report of the Secretary-General (A/45/483) and the statement made by the representative of Somalia before the Second Committee on 22 October 1990 (see A/C.2/45/SR.18),

1. *Expresses its gratitude* to the States and intergovernmental and non-governmental organizations that have responded and are continuing to respond generously to the appeals of the Government of Somalia and the Secretary-General by extending assistance to Somalia;

2. *Expresses its appreciation* to the Secretary-General for the efforts he is making to mobilize international resources to assist the Government and people of Somalia in coping with the emergency situation in the affected regions of northern Somalia;

3. *Recalls* the interim report of the United Nations inter-agency mission that visited Somalia from 25 February to 12 March 1989;[8]

4. *Once again appeals* to all States and the competent intergovernmental and non-governmental organizations to contribute generously and urgently to meet the needs identified by the United Nations inter-agency mission to Somalia;

5. *Requests* the Secretary-General to continue to coordinate the efforts of the United Nations system to help Somalia in its emergency and rehabilitation programme;

6. *Also requests* the Secretary-General to apprise the Economic and Social Council at its first regular session of 1991 of his efforts and to report to the General Assembly at its forty-sixth session on the implementation of the present resolution.

Draft resolution X

ASSISTANCE TO BENIN, THE CENTRAL AFRICAN REPUBLIC, ECUADOR, MADAGASCAR AND VANUATU

The General Assembly,

Recalling its resolution 43/211 of 20 December 1988 on assistance to Benin, the Central African Republic, Democratic Yemen, Djibouti, Ecuador, Madagascar and Vanuatu and its previous resolutions on assistance to those countries,

Having considered the relevant report of the Secretary-General (A/45/358),

Deeply concerned at the seriousness of the economic and financial crisis prevailing in these countries, which is heightened by the catastrophic effects of natural disasters,

Noting that, despite the structural adjustment programmes carried out by most of these countries, their economic and financial performance for the past two years has continued to be poor, and stressing the need for vigorous support of these programmes and for action to alleviate the impact of the adjustment policies being implemented, especially in the social sphere,

Noting that Benin is still facing a financial crisis, which reached its peak in 1989 as a result of the erosion of the tax base, the collapse of the banking system, the fall in productivity of the revenue services, the persistence of the consequences of the disastrous floods of 1988 and the economic crisis in the region,

Noting the grave difficulties that the Government of the Central African Republic has continued to face since 1982 in achieving the objectives of its development programme owing to the harmful effects of the international economic situation, and recognizing the need to provide it with supplementary resources so as to enable it to achieve those objectives,

Bearing in mind the economic and financial consequences of the earthquakes of March 1987 in Ecuador and their negative impact on that country's balance of payments, and taking into account the fact that all the efforts made by the Government of Ecuador to improve that adverse situation have not produced the desired results, since the effects of the international economic crisis seriously impede the entire economic and social development process,

Noting that Madagascar's economic and social development efforts are being thwarted by the adverse effects of the cyclones and floods that afflict that country periodically, and that the implementation of reconstruction and rehabilitation programmes requires the mobilization of substantial resources that are beyond the country's real means,

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[8] A/44/261, annex.

Noting that Vanuatu, an island developing country, continues to experience severe constraints in its economic and social development as a consequence, *inter alia*, of the deterioration in the terms of trade for its export commodities and of a high population growth rate coupled with an absence of skilled manpower,

Noting the particularly difficult problems faced by island developing countries in responding to negative and special economic circumstances, as referred to in the report of the Secretary-General[4] called for in General Assembly resolution 43/189 of 20 December 1988,

Taking note of the Paris Declaration and the Programme of Action for the Least Developed Countries for the 1990s, adopted by the Second United Nations Conference on the Least Developed Countries on 14 September 1990,[1] and mindful of the mutual commitments entered into on that occasion, as well as the importance to be attached to the follow-up to the Conference,

Having heard the statements of Member States at its forty-fifth session on the situations currently prevailing in those countries,

1. *Expresses its appreciation* to the Secretary-General, Member States, specialized agencies and other organizations of the United Nations system and regional, interregional and intergovernmental organizations for the assistance they have provided or pledged to those countries;

2. *Expresses its appreciation* for the efforts undertaken by the Governments of those countries to overcome their economic and financial difficulties;

3. *Reaffirms* that all Governments and international organizations should fulfil the commitments undertaken within the framework of the United Nations Programme of Action for African Economic Recovery and Development 1986-1990, contained in the annex to its resolution S-13/2 of 1 June 1986, the Declaration on International Economic Co-operation, in particular the Revitalization of Economic Growth and Development of the Developing Countries, contained in the annex to its resolution S-18/3 of 1 May 1990, and the Paris Declaration adopted by the Second United Nations Conference on the Least Developed Countries;[7]

4. *Notes with concern* that the assistance made available to those countries has not been adequate to meet their urgent requirements and that additional assistance is needed;

5. *Appeals* to Member States, international financial institutions, the specialized agencies and organizations and programmes of the United Nations system, humanitarian organizations and voluntary agencies to respond generously and urgently to the needs of those countries as identified in the report of the Secretary-General (*ibid.*) and to continue and increase their assistance in response to the reconstruction, economic recovery and development needs of those countries;

6. *Requests* the Secretary-General to take the necessary steps and to mobilize the resources needed, in collaboration with the organs, agencies and programmes of the United Nations system, in accordance with resolution 43/211 on special programmes of economic assistance, to provide assistance for all disasters, natural or otherwise, striking those countries, both in order to meet any reconstruction needs resulting from disasters that have already occurred and in order to implement preventive programmes to reduce the effects of future disasters;

7. *Also requests* the Secretary-General to submit to the General Assembly at its forty-seventh session a report on the implementation of the present resolution, containing:

(*a*) The identification of priorities for action by the international community;

(*b*) An assessment of the assistance actually received;

(*c*) An assessment of needs still unmet and specific proposals for responding to them effectively.

Draft resolution XI

SPECIAL PLAN OF ECONOMIC CO-OPERATION FOR CENTRAL AMERICA

The General Assembly,

Recalling its resolutions 42/1 of 7 October 1987, 42/204 of 11 December 1987, 43/24 of 15 November 1988 and 44/10 of 23 October 1989, and decisions 88/31 A of 1 July 1988[9] and 89/64 of 30 June 1989[10] of the Governing Council of the United Nations Development Programme, and taking note of Governing Council decision 90/31 of 20 June 1990,[11]

Recalling in particular its resolutions 42/231 of 12 May 1988, 43/210 of 20 December 1988 and 44/182 of 19 December 1989, in which it urged the international community and international organizations to increase their technical, economic and financial co-operation with the Central American countries within the framework of the Special Plan of Economic Co-operation for Central America,[12]

Reiterating the importance of the commitments made by the Central American Presidents in the agreement signed at Guatemala City at the Esquipulas II summit meeting,[13] the declarations adopted at Alajuela, Costa Rica,[14] and Costa del Sol, El Salvador,[15] and the agreements reached at Tela, Honduras,[16] Montelimar, Nicaragua,[17] and at the most recent summit meeting held at Antigua, Guatemala, from 15 to 17 June 1990,[18]

Recognizing the importance of the efforts made by the Secretary-General with respect to the situation in Central America and the ongoing involvement of the United Nations in economic co-operation in the region,

Especially concerned about the need to continue responding to the emergency situation in Central America, and alarmed at the seriousness of the economic and social crisis that the region faces,

Bearing in mind the importance of the Special Plan for setting economic and social development priorities and strengthening the capacity to design and implement regional projects in a large number of sectors and the unprecedented technical negotiating effort that has been required on the part of the five Central American countries,

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[9] See *Official Records of the Economic and Social Council, 1988, Supplement No. 9* (E/1988/19), annex I.

[10] *Ibid., 1989, Supplement No. 13* (E/1989/32), annex I.

[11] *Ibid., 1990, Supplement No. 9* (E/1990/29), annex I.

[12] A/42/949, annex.

[13] A/42/521-S/19085, annex.

[14] A/42/911-S/19447, annex.

[15] A/44/140-S/20491, annex.

[16] A/44/451-S/20778.

[17] A/44/936-S/21235, annex.

[18] See A/44/958, annex.

Bearing in mind also the appeal made by the Central American Governments at the thirty-seventh session of the Governing Council of the United Nations Development Programme, held at Geneva from 28 May to 23 June 1990, for the allocation of financial resources so that implementation of the projects and programmes of the Special Plan may continue,

Considering that the implementation of the Special Plan has made it possible to work out new joint strategies for economic and social development and has deepened the regional peace and democratization process, as reflected in the Central American Economic Plan of Action,[18] which emerged from the summit meeting held at Antigua, Guatemala, in June 1990,

Expressing its satisfaction at the performance of the United Nations Development Programme in carrying out the responsibilities entrusted to it for the co-ordination of the Special Plan,

Reaffirming its conviction that peace, development and democracy are inseparable,

1. *Takes note* of the report of the Secretary-General on the Special Plan of Economic Co-operation for Central America (A/45/622), which contains information on the status of implementation of the Special Plan;

2. *Decides* to extend the Special Plan of Economic Co-operation for Central America for an additional three-year period beginning in 1991;

3. *Stresses* the importance of the new directions in regional development that have emerged from the summit meetings of the Presidents of Central American countries and, in particular, from the meeting held at Antigua, Guatemala, at which the Central American Economic Plan of Action was approved;

4. *Recommends* that, through the existing machinery for the implementation of the Special Plan, due account be taken of the goals and priorities set in the Antigua Declaration[18] and the Central American Economic Plan of Action;

5. *Welcomes with satisfaction* the Joint Political Declaration and Joint Economic Communiqué of the Dublin Ministerial Conference on Political Dialogue and Economic Co-operation between the member States of the European Community and the countries of Central America and the Contadora Group, held at Dublin on 9 and 10 April 1990,[19] in which they reaffirmed their commitment to continue to participate in the reactivation and economic and social development of the region;

6. *Also welcomes with satisfaction* the renewal of the San José Agreement (Central American energy co-operation programme) in August 1990 by the Governments of the Central American countries and the Governments of Mexico and Venezuela;

7. *Welcomes with satisfaction* the Declaration of the first international meeting of the Follow-up Committee of the International Conference on Central American Refugees, held in New York on 27 and 28 June 1990;

8. *Calls upon* Member States and observers, intergovernmental organizations, international financial institutions, the organs and specialized agencies of the United Nations system and regional and subregional organs and institutions to participate actively in and adopt immediate measures for the implementation of activities in support of the goals and objectives of the Special Plan, taking into account the difficult social and economic situation faced by the Central American countries, and to support the projects submitted by those countries within the framework of the machinery set up under the Special Plan;

9. *Emphasizes* the urgent need for the international community to increase its technical assistance to the Central American countries and to provide them with adequate additional financial resources on favourable and concessional terms;

10. *Requests* the Governing Council of the United Nations Development Programme to consider the request made by the Governments of the Central American countries for appropriate financial assistance for the Special Plan during the fifth programming cycle;

11. *Requests* the Secretary-General to submit a report to the General Assembly at its forty-sixth session on the progress made in implementing the Special Plan;

12. *Decides* to review and appraise the implementation of the Special Plan at its forty-sixth session.

Draft resolution XII

EMERGENCY ASSISTANCE FOR LIBERIA

The General Assembly,

Extremely concerned about the untold loss of life and human suffering as a consequence of the conflict in Liberia and that over 750,000 people have become refugees and half the population within the country has been displaced,

Deeply concerned about the massive destruction of the nation's infrastructure,

Conscious of the urgent need for the international community to provide assistance for the economic and social rehabilitation of Liberia,

Conscious also of the peace and humanitarian efforts at the subregional level,

1. *Appeals* to the international community to render its support by providing all necessary assistance for the economic and social rehabilitation of Liberia;

2. *Appeals* to all Member States to make voluntary contributions for rehabilitation efforts;

3. *Requests* the Secretary-General, in close co-operation with the appropriate authority in Liberia, to coordinate the efforts of the United Nations system to assist that country in its emergency relief, rehabilitation and reconstruction efforts, to mobilize resources for the implementation of the necessary programmes and to keep the international community informed of the needs of the country;

4. *Also requests* the Secretary-General to apprise the Economic and Social Council, at its first regular session of 1991, of his efforts and to report to the General Assembly at its forty-sixth session on the implementation of the present resolution;

5. *Decides* to include in the agenda of its forty-sixth session an item entitled "Emergency assistance for the economic and social rehabilitation of Liberia".

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[19] A/44/944-S/21282, annexes I and II.

DOCUMENT A/45/857

Report of the Second Committee on agenda item 87

[*Original: English*]
[*12 December 1990*]

1. At its 3rd plenary meeting, on 21 September 1990, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its forty-fifth session, as item 87, and to allocate to the Second Committee for consideration and report the item entitled "International assistance for the economic rehabilitation of Angola".

2. The Second Committee considered the item, together with the question of special economic and disaster relief assistance, item 86, at its 12th, 18th, 26th and 46th meetings, on 12, 22 and 30 October and 20 November 1990. An account of the Committee's discussions of the item is contained in the relevant summary records (see A/C.2/45/SR.12, 18, 26 and 46). Attention is also drawn to the general debate held by the Committee on all the items allocated to it at its 2nd to 9th meetings, from 8 to 11 October (see A/C.2/45/SR.2-9).

3. For its consideration of the item, the Committee had before it the following documents:

[*See the list of documents at the end of the present fascicle.*]

4. At the 18th meeting, an introductory statement was made by the Director of the Unit for Special Emergency Programmes of the Department for Special Political Questions, Regional Co-operation, Decolonization and Trusteeship.

Draft resolution A/C.2/45/L.14 and Rev.1

5. At the 26th meeting, the representative of Sierra Leone, on behalf of Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Benin, Bolivia, Botswana, Burkina Faso, Burundi, Cameroon, Cape Verde, Chad, Chile, China, Colombia, the Comoros, the Congo, Cuba, Egypt, Ethiopia, Gabon, Ghana, Guinea, Guinea-Bissau, Lesotho, Madagascar, Malawi, Mali, Mauritania, Mexico, Mozambique, Namibia, Nicaragua, Rwanda, Senegal, Sierra Leone, Suriname, Togo, Tunisia, Uganda, the United Republic of Tanzania, Vanuatu, Yugoslavia, Zaire, Zambia and Zimbabwe, introduced a draft resolution (A/C.2/45/L.14) entitled "International assistance for the economic rehabilitation of Angola". The draft resolution read as follows:

"*The General Assembly*,

"*Recalling* its resolution 44/168 of 15 December 1989 on international assistance for the economic rehabilitation of Angola,

"*Mindful* of Security Council resolutions 387 (1976) of 31 March 1976, 475 (1980) of 27 June 1980, 628 (1989) of 16 January 1989 and other resolutions of the Council, in which the Council, *inter alia*, requested the international community to render assistance to Angola and considered that Angola is entitled to appropriate redress for any material damage which it has suffered,

"*Noting with appreciation* the efforts undertaken by the Government of Angola towards the achievement of peace and the solution of the economic and social problems confronting the country, through political, economic and financial adjustment measures,

"*Aware* that the difficult economic situation of Angola is a result of South Africa's acts of aggression and destabilization, as well as the drought which prevails in the southern region of the country,

"1. *Takes note* of the report of the Secretary-General (A/45/551);

"2. *Expresses its appreciation* to the international community for the support and assistance it has already rendered to Angola;

"3. *Appeals* to the international community to render further substantial financial, material and technical assistance for the economic rehabilitation of Angola;

"4. *Requests* the Secretary-General to mobilize the United Nations system and the international community, with a view to obtaining increased support for the economic rehabilitation of Angola which is now in progress;

"5. *Also requests* the Secretary-General to report to the General Assembly at its forty-sixth session on the implementation of the present resolution;

"6. *Decides* to include in the provisional agenda of its forty-sixth session the item entitled 'International assistance for the economic rehabilitation of Angola'."

6. At the 46th meeting, Mr. Carlos Gianelli (Uruguay), Vice-Chairman of the Committee, on behalf of the sponsors of draft resolution A/C.2/45/L.14, to which Brazil, Costa Rica, France, Kenya, Peru, Portugal and the Union of Soviet Socialist Republics had joined in introducing a revised version (A/C.2/45/L.14/Rev.1) of the draft resolution, informed the Committee of the results of the informal consultations held on the revised draft resolution. Subsequently, Italy, the Libyan Arab Jamahiriya, Morocco, the Philippines, Spain, Trinidad and Tobago and the United Kingdom of Great Britain and Northern Ireland also joined in sponsoring the revised draft resolution.

7. The Committee was informed that the revised draft resolution contained no programme budget implications.

8. At the same meeting, the Committee adopted draft resolution A/C.2/45/L.14/Rev.1 (see para. 10 below).

9. After the adoption of the draft resolution, the representatives of Angola and the Philippines made statements.

Recommendation of the Second Committee

10. The Second Committee recommends to the General Assembly the adoption of the following draft resolution:

INTERNATIONAL ASSISTANCE FOR THE ECONOMIC REHABILITATION OF ANGOLA

The General Assembly,

Recalling its resolution 44/168 of 15 December 1989 regarding international assistance for the economic rehabilitation of Angola,

Mindful of Security Council resolutions 387 (1976) of 31 March 1976, 475 (1980) of 27 June 1980, 628 (1989) of

16 January 1989 and other resolutions of the Council, in which the Council, *inter alia*, requested the international community to render assistance to Angola,

Aware of the difficult economic situation of Angola, which is a result of the aggression and destabilization that prevailed in the country, as well as the current drought,

1. *Takes note* of the report of the Secretary-General (A/45/551);

2. *Expresses its appreciation* to the international community for the support and assistance it has already rendered to Angola;

3. *Appeals* to the international community to render the financial, material and technical assistance necessary for the economic rehabilitation of Angola;

4. *Requests* the Secretary-General to mobilize the United Nations system and the international community, with a view to obtaining increased support for the economic rehabilitation of Angola;

5. *Also requests* the Secretary-General to report to the General Assembly at its forty-sixth session on the implementation of the present resolution;

6. *Welcomes* the decision of the Government of Angola to organize, in 1991, a round-table conference of donors for the rehabilitation and reconstruction of Angola, in co-operation with the United Nations Development Programme, the African Development Bank, the Government of Portugal and other interested countries;

7. *Decides* to include in the provisional agenda of its forty-sixth session the item entitled "International assistance for the economic rehabilitation of Angola".

DOCUMENT A/45/L.44/REV.1

Antigua and Barbuda, Argentina, Bahamas, Barbados, Belize, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominica, Dominican Republic, Ecuador, El Salvador, France, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mauritania, Mexico, Nicaragua, Peru, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Suriname, Trinidad and Tobago, United States of America, Uruguay and Venezuela: revised draft resolution

[*Original: English*]
[*21 December 1990*]

SPECIAL EMERGENCY ASSISTANCE TO HAITI

The General Assembly,

Recalling its resolution 45/2 of 10 October 1990 and welcoming its successful implementation and results,

Conscious of the severe economic and social problems facing Haiti,

Convinced of the need to grant technical and economic assistance to Haiti in overcoming its severe economic and social problems,

1. *Appeals* to Member States, international financial institutions, the specialized agencies and organizations and programmes of the United Nations system to respond generously and urgently to the needs of Haiti in overcoming its severe economic and social problems;

2. *Expresses its determination* to assist Haiti in overcoming its severe economic and social problems;

3. *Decides* to keep the question on assistance to Haiti under review and requests the Secretary-General to consult the Government of Haiti as soon as possible concerning appropriate initiatives for the launching of a special programme of emergency assistance to Haiti and to inform the Assembly on the outcome of such consultations.

DOCUMENT A/45/L.45 AND ADD.1*

Argentina, Bahamas, Barbados, Belize, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Grenada, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Suriname, Uruguay and Venezuela: draft resolution

[*Original: English*]
[*26 April 1991*]

EMERGENCY ASSISTANCE TO COSTA RICA AND PANAMA

The General Assembly,

Recalling its resolution 42/169 of 11 December 1987 on the International Decade for Natural Disaster Reduction,

Deeply concerned about the large number of afflicted persons and the destruction caused by the recent earthquake which, on 22 April 1991, struck Costa Rica and Panama,

Aware of the efforts of the Governments and peoples of the region to save lives and alleviate the suffering of the victims of the earthquake,

Aware also of the enormous effort that will be required to alleviate the grave situation caused by this natural disaster,

Welcoming the prompt response of the Governments, organs, organizations and specialized agencies of the United Nations system and of the international and regional agencies, the non-governmental organizations and private individuals that are providing emergency relief,

Recognizing that the magnitude of the disaster and its medium-term and long-term effects will require, as a complement to the efforts being made by the peoples and the Governments of Costa Rica and Panama, a demonstration of international solidarity and humanitarian concern to trigger broad multilateral co-operation in order to meet the immediate emergency situation in the affected areas and initiate the process of reconstruction,

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* Document A/45/L.45/Add.1 was issued to add one State to the list of sponsors.

1. *Expresses its solidarity and support* to the Governments and peoples of Costa Rica and Panama;

2. *Expresses its gratitude* to all the States, international agencies and non-governmental organizations that are providing emergency relief to the affected countries;

3. *Urges* all States, as a matter of urgency, to contribute generously to the relief, rehabilitation and reconstruction efforts in the affected area;

4. *Expresses its appreciation* to the Secretary-General for the steps taken to co-ordinate and mobilize the relief and rehabilitation efforts;

5. *Requests* the Secretary-General, in close collaboration with the Governments of Costa Rica and Panama, and the international financial institutions and the bodies and agencies of the United Nations system to assist those countries in mobilizing the additional financial resources necessary for the implementation of the medium-term and long-term plans and programmes of rehabilitation and reconstruction.

DOCUMENT A/45/L.48/REV.1

Bangladesh: revised draft resolution

[*Original: English*]
[*7 May 1991*]

Assistance to Bangladesh in the wake of the devastating cyclone

The General Assembly,

Deeply concerned at the colossal loss of human life and the unprecedented destruction of property and infrastructure caused by the cyclone and tidal waves that struck Bangladesh on 29 April 1991,

Considering that Bangladesh is one of the least developed countries and that its situation has been worsened by the frequent recurrence of natural disasters having devastating consequences,

Aware that the coastal areas of Bangladesh are particularly vulnerable to natural calamity resulting in widespread human and material loss,

Recognizing the relief and rehabilitation efforts of the Government of Bangladesh to alleviate the suffering of disaster victims,

Recognizing also that natural disasters constitute a development problem of great magnitude, the solution of which calls for substantial resources, requiring national efforts to be supplemented by international financial and technical assistance,

Noting the appeal to the international community by the Prime Minister of Bangladesh to come forward in aid of those affected by the disastrous cyclone,

1. *Expresses its solidarity* with the Government and people of Bangladesh during the tragic aftermath of the disaster;

2. *Appeals* to all Member States, specialized agencies and other organs and bodies of the United Nations system, as well as international financial institutions, and to non-governmental organizations to respond urgently and generously to assist Bangladesh in its relief, rehabilitation and reconstruction efforts and programmes following the calamity;

3. *Requests* the Secretary-General to extend all possible assistance to Bangladesh to mitigate the suffering of the victims and to prevent further consequences of the disaster, particularly through the Office of the United Nations Disaster Relief Co-ordinator, as well as other relevant organizations and agencies of the United Nations system.

DOCUMENT A/45/L.50/REV.1 AND ADD.1*

Antigua and Barbuda, Argentina, Bahamas, Barbados, Belize, Bolivia, Brazil, Canada, Chad, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, France, Germany, Guatemala, Guinea-Bissau, Guyana, Haiti, Honduras, Italy, Jamaica, Japan, Luxembourg, Mexico, Panama, Paraguay, Peru, Philippines, Portugal, Saint Lucia, Spain, Saint Vincent and the Grenadines, Saint Kitts and Nevis, Suriname, Togo, Trinidad and Tobago, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay and Venezuela: revised draft resolution

[*Original: French*]
[*16 May 1991*]

Special emergency assistance to Haiti

The General Assembly,

Recalling its resolutions 45/2 of 10 October 1990 and 45/257 of 21 December 1990,

Conscious of the worsening of the economic and social problems affecting Haiti,

Convinced of the need to launch, as soon as possible, an emergency programme that expresses the support of the international community for the democratization and reconstruction process under way in Haiti,

1. *Takes note* with interest of the report of the Secretary-General of 26 April 1991 (A/45/1002);

2. *Renews its appeal* to Member States, international financial institutions, the specialized agencies and organizations and programmes of the United Nations system to provide immediately the special assistance which Haiti requires in order to support the efforts made by its people and Gov-

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* Document A/45/L.50/Rev.1/Add.1 was issued to add three States to the list of sponsors.

ernment in their struggle for democracy and economic survival;

3. *Requests* to this end the Secretary-General to provide immediately all possible assistance to the launching of a programme of action that will have an immediate impact on the needy population until medium- and long-term assistance programmes can be implemented and taking into account the fundamental choices of the Haitian Government;

4. *Expresses the hope* that this programme will be transmitted to the competent international institutions and will be ready for implementation before the meeting of the Consultative Group of the World Bank, in Paris on 10 July 1991.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 71st plenary meeting, on 21 December 1990, the General Assembly adopted draft resolutions I to XII submitted by the Second Committee in its report (A/45/856, para. 75). For the final texts, see resolutions 45/221 to 45/232.[20]

At the same meeting, the Assembly adopted the draft resolution submitted by the Second Committee in its report (A/45/857, para. 10). For the final text, see resolution 45/233.[20]

At its 72nd plenary meeting, also held on 21 December 1990, the Assembly adopted draft resolution A/45/L.44/Rev.1. For the final text, see resolution 45/257.[21]

At its 74th plenary meeting, on 3 May 1991, the Assembly adopted draft resolution A/45/L.45 and Add.1. For the final text, see resolution 45/262.[22]

At its 75th plenary meeting, on 13 May 1991, the Assembly adopted draft resolution A/45/L.48/Rev.1. For the final text, see resolution 45/263.[22]

At its 76th plenary meeting, on 17 May 1991, the Assembly adopted draft resolution A/45/L.50/Rev.1 and Rev.1/Add.1. For the final text, see resolution 45/257 B.[22]

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[20] See *Official Records of the General Assembly, Forty-fifth Session, Supplement No. 49.*

[21] *Ibid.* At its 76th plenary meeting, the General Assembly decided, in view of the adoption of resolution 45/257 B, that resolution 45/257 would become 45/257 A.

[22] See *Official Records of the General Assembly, Forty-fifth Session, Supplement No. 49 A.*

LIST OF OTHER DOCUMENTS PERTAINING TO THE ITEMS

Symbol	*Title or description*	*Agenda item*	*Observations and references*
A/45/3 and Add 1 and 2	Report of the Economic and Social Council for the year 1990	86	For the final text, see A/45/3/Rev.1
A/45/3/Rev.1	*Idem*	86	*Official Records of the General Assembly, Forty-fifth session, Supplement No. 3*
A/45/224	Letter dated 18 April 1990 from the representative of the United Republic of Tanzania to the Secretary-General	86	
A/45/271-E/1990/78 and Corr.1	Office of the United Nations Disaster Relief Co-ordinator: report of the Secretary-General	86	
A/45/336-S/21385	Letter dated 29 June 1990 from the representative of Ireland to the Secretary-General transmitting the text of the conclusions adopted by the heads of State or Government of the 12 member States of the European Community at the meeting of the European Council held at Dublin on 25 and 26 June 1990	86	
A/45/358 and Add.1	Summary reports on Benin, the Central African Republic, Chad, Democratic Yemen, Djibouti, Ecuador, Madagascar and Vanuatu: report of the Secretary-General	86	
A/45/401	Letter dated 7 August 1990 from the representative of Italy to the Secretary-General transmitting the statement issued on 2 August 1990 by the Twelve on Ethiopia relief operations through Massawa	86	
A/45/421-S/21797	Letter dated 19 September 1990 from the representative of Egypt to the Secretary-General transmitting the text of the documents adopted by the Nineteenth Islamic Conference of Foreign Ministers, held at Cairo from 31 July to 5 August 1990	86	
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A/C.2/45/L.18	Draft resolution	86	*Ibid.*, para. 45
A/C.2/45/L.18/Rev.1	Revised draft resolution	86	*Ibid.*, paras. 46, 47 and 75, draft resolution VII
A/C.2/45/L.19	Draft resolution	86	*Ibid.*, paras. 51, 52 and 75, draft resolution VIII
A/C.2/45/L.20	*Idem*	86	*Ibid.*, paras. 56, 57 and 75, draft resolution IX
A/C.2/45/L.22	*Idem*	86	*Ibid.*, paras. 7 and 8
A/C.2/45/L.28	*Idem*	86	*Ibid.*, paras. 61 and 62
A/C.2/45/L.28/Rev.1	Revised draft resolution	86	*Ibid.*, paras. 63 and 75, draft resolution X
A/C.2/45/L.34	Draft resolution	86	*Ibid.*, paras. 67, 68 and 75, draft resolution XI
A/C.2/45/L.52	Programme budget implications of draft resolution A/C.2/45/L.22	86	
A/C.2/45/L.67	Draft resolution	86	*Ibid.*, paras. 10, 11 and 75, draft resolution I
A/C.2/45/L.86	*Idem*	86	*Ibid.*, paras. 72 and 75, draft resolution XII

Symbol	Title or description	Agenda item	Observations and references
A/45/L.44	Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Guyana, Honduras, Mexico, Peru, Suriname, Trinidad and Tobago, Uruguay and Venezuela: draft resolution	86	Replaced by A/45/L.44/Rev.1
A/45/L.48	Bangladesh: draft resolution	86	Replaced by A/45/L.48/Rev.1
A/45/L.50	Ecuador: draft resolution	86	Replaced by A/45/L.50/Rev.1 and Add.1

United Nations

GENERAL ASSEMBLY

Official Records

Agenda items 88, 91, 98 and 103*

ANNEXES

FORTY-FIFTH SESSION

NEW YORK, 1990/1991

Agenda item 88: Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist régime of South Africa

Agenda item 91: Elimination of all forms of racial discrimination

Agenda item 98: Implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination

Agenda item 103: Importance of the universal realization of the right of peoples to self-determination and of the speedy granting of independence to colonial countries and peoples for the effective guarantee and observance of human rights

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* For the records of the relevant meetings, see *Official Records of the General Assembly, Forty-fifth Session, Third Committee*, 3rd to 10th, 18th, 28th, 29th and 31st meetings, and corrigendum; and *ibid., Plenary Meetings*, 68th meeting. For the prior consideration of the question dealt with under item 88, see *Official Records of the General Assembly, Forty-third Session, Annexes*, agenda items 87, 88, 91 and 96; for the questions dealt with under items 91, 98 and 103, see *Official Records of the General Assembly, Forty-fourth Session, Annexes*, agenda items 89, 100 and 103.

DOCUMENT A/45/744

Report of the Third Committee on agenda item 88

[*Original: English*]
[*21 November 1990*]

1. At its 3rd plenary meeting, on 21 September 1990, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its forty-fifth session, as item 88, the item entitled "Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist régime of South Africa", and to allocate it to the Third Committee for consideration and report.

2. The Third Committee considered the item jointly with items 91, 98 and 103 at its 3rd to 10th, 18th, 28th, 29th and 31st meetings, held between 30 October and 5 November 1990. An account of the Committee's discussion is contained in the summary records of the meetings (A/C.3/45/SR.3-10, 18, 28, 29 and 31).

3. For its consideration of the item, the Committee had before it a note by the Secretary-General (A/45/552) transmitting the updated report prepared by Mr. Ahmad M. Khalifa, Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

4. At the 3rd meeting, the Under-Secretary-General for Human Rights made an introductory statement. At its 6th meeting, the Committee heard also an introductory statement by the Special Rapporteur.

5. At the 18th meeting, the representative of Sierra Leone, on behalf of the Group of African States, introduced a draft resolution (A/C.3/45/L.4).

6. At the same meeting, the representative of Sierra Leone orally revised the draft resolution by inserting in paragraph 12, after the words "Sub-Commission on Prevention of Discrimination and Protection of Minorities", the words ", the Commission on Human Rights, the Economic and Social Council and the Special Committee against *Apartheid*".

7. At its 28th meeting, the Committee adopted the draft resolution as orally revised, by a recorded vote of 106 to 9, with 22 abstentions (see para. 9 below). The voting was as follows:

In favour: Afghanistan, Albania, Algeria, Angola, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Central African Republic, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Ghana, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao

People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Rwanda, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, Somalia, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Belgium, France, Germany, Italy, Luxembourg, Netherlands, Portugal, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Australia, Austria, Bulgaria, Canada, Czechoslovakia, Denmark, Finland, Greece, Hungary, Iceland, Ireland, Israel, Japan, Liechtenstein, Malta, New Zealand, Norway, Poland, Romania, Spain, Sweden, Turkey.

8. After the adoption of the draft resolution, statements in explanation of vote were made by the representatives of the United States of America, Italy (on behalf of the 12 States members of the European Community), Iceland (also on behalf of Denmark, Finland, Norway and Sweden), Canada, Japan and Turkey.

Recommendation of the Third Committee

9. The Third Committee recommends to the General Assembly the adoption of the following draft resolution:

ADVERSE CONSEQUENCES FOR THE ENJOYMENT OF HUMAN RIGHTS OF POLITICAL, MILITARY, ECONOMIC AND OTHER FORMS OF ASSISTANCE GIVEN TO THE RACIST AND COLONIALIST RÉGIME OF SOUTH AFRICA

The General Assembly,

Recalling its resolutions 39/15 of 23 November 1984, 41/95 of 4 December 1986 and 43/92 of 8 December 1988,

1. *Expresses its appreciation* to the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities for his updated report (A/45/552, annex);

2. *Expresses its thanks* to all Governments and organizations that supplied the Special Rapporteur with information;

3. *Takes note with satisfaction* of Commission on Human Rights resolution 1990/22 of 27 February 1990,[1] in which the Commission invited the Special Rapporteur:

(*a*) To continue to update, subject to annual review, the list of banks, transnational corporations and other organizations assisting the racist régime of South Africa, giving such details regarding enterprises listed as he may consider necessary and appropriate, including explanations of responses, if any, and to submit the updated report, through the Economic and Social Council, to the General Assembly at its forty-fifth session;

(*b*) To use all available material from other United Nations organs, Member States, specialized agencies and other relevant sources in order to indicate the volume, nature and adverse human consequences of the assistance given to the racist régime of South Africa;

(*c*) To intensify direct contacts with the United Nations Centre on Transnational Corporations and the Centre against *Apartheid* of the Secretariat, with a view to consolidating mutual co-operation in updating the report;

4. *Calls upon* all Governments:

(*a*) To co-operate with the Special Rapporteur in making the report even more accurate and informative;

(*b*) To disseminate the updated report and to give its contents the widest possible publicity;

5. *Calls upon* all Governments and organizations to maintain sanctions against the racist régime of South Africa until the total dismantlement of the *apartheid* system has been achieved, in conformity with the Declaration on *Apartheid* and its Destructive Consequences in Southern Africa, adopted by the General Assembly by its resolution S-16/1 of 14 December 1989 and contained in the annex thereto;

6. *Invites* the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-third session and the Commission on Human Rights at its forty-seventh session to consider the updated report;

7. *Requests* the Secretary-General, in accordance with General Assembly resolution 43/92, to make available to the Special Rapporteur two economists to help him to develop his analysis and documentation on specific cases of special importance;

8. *Also requests* the Secretary-General to give the Special Rapporteur all the assistance that he may require in the exercise of his mandate, with a view to intensifying direct contacts with the United Nations Centre on Transnational Corporations and the Centre against *Apartheid*, and to consolidating mutual co-operation in updating his report;

9. *Further requests* the Secretary-General to bring the updated report of the Special Rapporteur to the attention of Governments whose national financial institutions continue to deal with the régime of South Africa, and to call upon them to provide the Special Rapporteur with any information or comments they may wish to present on the matter;

10. *Requests* the Secretary-General to contact the Government of South Africa with a view to enabling the Special Rapporteur to undertake a visit to South Africa on special mission within the perspective of the next update of the present report;

11. *Invites* the Secretary-General to give the updated report of the Special Rapporteur the widest distribution and publicity as a United Nations publication;

12. *Decides* to examine at its forty-seventh session, as a matter of high priority, the item entitled "Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist régime of South Africa", in the light of any recommendations which the Sub-Commission on Prevention of Discrimination and Protection of Minorities, the Commission on Human Rights, the Economic and Social Council and the Special Committee against *Apartheid* may wish to submit to it;

13. *Requests* that the Special Rapporteur submit his updated report to the General Assembly at its forty-seventh session.

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[1] See *Official Records of the Economic and Social Council, 1990, Supplement No. 2* and corrigendum (E/1990/22 and Corr.1), chap. II, sect. A.

DOCUMENT A/45/747

Report of the Third Committee on agenda item 91

[*Original: English*]
[*21 November 1990*]

1. At its 3rd plenary meeting, on 21 September 1990, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its forty-fifth session, as item 91, the item entitled "Elimination of all forms of racial discrimination", and to allocate it to the Third Committee for consideration and report.

2. The Third Committee considered the item jointly with items 88, 98 and 103 at its 3rd to 10th, 18th, 28th, 29th and 31st meetings, held between 8 October and 5 November 1990. An account of the Committee's discussion is contained in the summary records of the meetings (A/C.3/45/SR.3-10, 18, 28, 29 and 31).

3. For its consideration of the item, the Committee had before it the following documents:

[*See the list of documents at the end of the present fascicle.*]

4. At the 3rd meeting, the Director-General for Development and International Economic Co-operation and the Under-Secretary-General for Human Rights made introductory statements.

Consideration of proposals

Draft resolution A/C.3/45/L.7

5. At the 18th meeting, the representative of Yugoslavia, on behalf of Algeria, Australia, Bangladesh, Bulgaria, Colombia, Cuba, Cyprus, Czechoslovakia, Denmark, Ecuador, Egypt, Ethiopia, Finland, France, Hungary, India, Jamaica, Mexico, Morocco, Nicaragua, Nigeria, Pakistan, Poland, Sweden, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and Yugoslavia, introduced a draft resolution (A/C.3/45/L.7) entitled "Report of the Committee on the Elimination of Racial Discrimination". Subsequently, Senegal, Vanuatu and Venezuela joined in sponsoring the draft resolution.

6. At its 28th meeting, the Committee adopted the draft resolution without a vote (see para. 15 below, draft resolution I).

7. After the adoption of the draft resolution, statements were made by the representatives of the Netherlands, Israel and Germany.

Draft resolution A/C.3/45/L.8

8. At the 18th meeting, the representative of Belgium, on behalf of Algeria, Argentina, Australia, the Bahamas, Barbados, Belgium, Brazil, Bulgaria, Canada, Cuba, Cyprus, Czechoslovakia, Denmark, Egypt, France, Germany, Hungary, India, Italy, Luxembourg, Morocco, the Netherlands, New Zealand, Norway, Poland, Portugal, Rwanda, Senegal, Spain, Sweden, Togo, the Union of Soviet Socialist Republics, Uruguay and Yugoslavia, introduced a draft resolution (A/C.3/45/L.8) entitled "Status of the International Convention on the Elimination of All Forms of Racial Discrimination". Subsequently, Botswana, Ecuador, Ethiopia and Vanuatu joined in sponsoring the draft resolution.

9. At its 29th meeting, the Committee adopted the draft resolution without a vote (see para. 15 below, draft resolution II).

Draft resolution A/C.3/45/L.11

10. At the 18th meeting, the representative of Zambia, on behalf of Algeria, Burkina Faso, Ethiopia, the Libyan Arab Jamahiriya, Mali, Namibia, the United Republic of Tanzania, Viet Nam, Zambia and Zimbabwe, introduced a draft resolution (A/C.3/45/L.11) entitled "Status of the International Convention on the Suppression and Punishment of the Crime of *Apartheid*". Subsequently, Colombia, Cuba, the Islamic Republic of Iran, Vanuatu and Yemen joined in sponsoring the draft resolution.

11. At its 29th meeting, the Committee took action on the draft resolution as follows:

(*a*) The words "State terrorism" in the fifth preambular paragraph were retained by a recorded vote of 96 to 17, with 24 abstentions. The voting was as follows:

In favour: Afghanistan, Albania, Algeria, Angola, Argentina, Bahrain, Bangladesh, Barbados, Belize, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Congo, Côte d'Ivoire, Cuba, Cyprus, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, Ethiopia, Fiji, Gabon, Ghana, Grenada, Guinea, Guinea-Bissau, Guyana, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Pakistan, Panama, Peru, Philippines, Qatar, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

Against: Belgium, Canada, Denmark, France, Germany, Greece, Ireland, Israel, Italy, Japan, Luxembourg, Netherlands, Portugal, Solomon Islands, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Australia, Austria, Bulgaria, Byelorussian Soviet Socialist Republic, Costa Rica, Czechoslovakia, El Salvador, Finland, Honduras, Hungary, Iceland, Liechtenstein, Malta, New Zealand, Norway, Papua New Guinea, Paraguay, Poland, Romania, Samoa, Sweden, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

(*b*) The sixth preambular paragraph was retained by a recorded vote of 105 to 12, with 22 abstentions. The voting was as follows:

In favour: Afghanistan, Albania, Algeria, Angola, Argentina, Bahrain, Bangladesh, Barbados, Belize, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina

Faso, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Ghana, Grenada, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Pakistan, Panama, Peru, Philippines, Qatar, Rwanda, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, Somalia, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

Against: Belgium, Canada, France, Germany, Israel, Italy, Japan, Luxembourg, Netherlands, Portugal, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Australia, Austria, Bulgaria, Czechoslovakia, Denmark, Finland, Gabon, Greece, Hungary, Iceland, Ireland, Liechtenstein, Malta, New Zealand, Norway, Papua New Guinea, Paraguay, Poland, Romania, Spain, Sweden, Turkey.

(*c*) Paragraph 5 was retained by a recorded vote of 105 to 10, with 22 abstentions. The voting was as follows:

In favour: Afghanistan, Albania, Algeria, Angola, Argentina, Bahrain, Bangladesh, Barbados, Belize, Benin, Bolivia, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Gabon, Ghana, Grenada, Guinea, Guinea-Bissau, Guyana, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Qatar, Rwanda, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, Somalia, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

Against: Belgium, Canada, France, Germany, Italy, Luxembourg, Netherlands, Portugal, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Australia, Austria, Bulgaria, Czechoslovakia, Denmark, Finland, Greece, Hungary, Iceland, Ireland, Israel, Japan, Liechtenstein, Malta, New Zealand, Norway, Paraguay, Poland, Romania, Spain, Sweden, Turkey.

(*d*) Paragraph 8 was retained by a recorded vote of 106 to 14, with 18 abstentions. The voting was as follows:

In favour: Afghanistan, Albania, Algeria, Angola, Argentina, Bahrain, Bangladesh, Barbados, Belize, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Central African Republic, Chad, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Gabon, Ghana, Grenada, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Qatar, Rwanda, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, Somalia, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

Against: Belgium, Denmark, France, Germany, Greece, Ireland, Italy, Japan, Luxembourg, Netherlands, Portugal, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Australia, Austria, Bulgaria, Canada, Czechoslovakia, Finland, Hungary, Iceland, Israel, Liechtenstein, Malta, New Zealand, Norway, Paraguay, Poland, Romania, Sweden, Turkey.

12. At the same meeting, the representative of Italy, on behalf of the 12 States members of the European Community, made a statement in explanation of vote before the vote on the draft resolution as a whole.

13. Also at the same meeting, the Committee adopted the draft resolution as a whole, by a recorded vote of 109 to 1, with 30 abstentions (see para. 15 below, draft resolution III). The voting was as follows:

In favour: Afghanistan, Albania, Algeria, Angola, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Gabon, Ghana, Grenada, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Rwanda, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, Somalia, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukrainian

Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

Against: United States of America.

Abstaining: Australia, Austria, Belgium, Bulgaria, Canada, Czechoslovakia, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Liechtenstein, Luxembourg, Malta, Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Spain, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland.

14. After the adoption of the draft resolution, statements in explanation of vote were made by the representatives of the United States of America, Australia, Japan, New Zealand, Austria, Turkey, the Ukrainian Soviet Socialist Republic and Iceland (also on behalf of Finland, Norway and Sweden).

Recommendation of the Third Committee

15. The Third Committee recommends to the General Assembly the adoption of draft resolutions I to III below:

Draft resolution I

REPORT OF THE COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

The General Assembly,

Recalling its previous resolutions concerning the reports of the Committee on the Elimination of Racial Discrimination and its resolutions on the status of the International Convention on the Elimination of All Forms of Racial Discrimination,[2] as well as its other relevant resolutions on the implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination,[3]

Reiterating the importance of the International Convention on the Elimination of All Forms of Racial Discrimination, which is the most widely accepted human rights instrument adopted under the auspices of the United Nations,

Aware of the importance of the contributions of the Committee to the efforts of the United Nations to combat racism and all other forms of discrimination based on race, colour, descent or national or ethnic origin,

Reiterating once again the need to intensify the struggle for the elimination of racism and racial discrimination throughout the world, especially the elimination of the system of *apartheid* in South Africa,

Emphasizing the obligation of all States parties to the Convention to take legislative, judicial and other measures in order to secure full implementation of the provisions of the Convention,

Recalling the urgent appeals made by the Secretary-General, the General Assembly, the meetings of States parties to the Convention and the Committee itself to the States parties to honour their financial obligations under the Convention,

Gravely concerned that, despite those appeals and other efforts, the meeting schedule of the Committee has been interrupted and the proper functioning of the Committee continues to be affected,

Expressing its appreciation for the efforts made by the members of the Committee to explore ways and means to overcome the Committee's current financial crisis,

Having considered the report of the Secretary-General on the question of financing the expenses of the members of the Committee (A/45/579),

1. *Expresses its profound concern* at the fact that a number of States parties to the International Convention on the Elimination of All Forms of Racial Discrimination have still not fulfilled their financial obligations, which led to the cancellation of the spring 1990 session of the Committee on the Elimination of Racial Discrimination;

2. *Expresses once again its concern* that such a situation led to a further delay in the discharge of the substantive obligations of the Committee under the Convention;

3. *Commends* the Committee for its work with regard to the implementation of the Convention and the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination;

4. *Takes note with appreciation* of the report of the Committee on the work of its thirty-eighth session (A/45/18);

5. *Calls upon* States parties to fulfil their obligations under article 9, paragraph 1, of the Convention and to submit in due time their periodic reports on measures taken to implement the Convention;

6. *Strongly appeals* to all States parties, especially those in arrears, to fulfil their financial obligations under article 8, paragraph 6, of the Convention and to pay their outstanding contributions and, if possible, their contributions for 1991 before 1 February 1991, so as to enable the Committee to meet regularly;

7. *Requests* the Secretary-General to seek to obtain, at the earliest opportunity, the concurrence of the States parties to the Convention to the establishment of a "contingency reserve fund", as envisaged in Commission on Human Rights resolution 1990/25 of 27 February 1990;[1]

8. *Invites* the Secretary-General to explore other possibilities of establishing a more secure basis for future financing of all the costs of the Committee;

9. *Requests* the Secretary-General to invite those States parties which are in arrears to pay the amounts in arrears, and to report thereon to the General Assembly at its forty-sixth session;

10. *Decides* to consider at its forty-sixth session, under the item entitled "Elimination of all forms of racial discrimination", the report of the Secretary-General on the financial situation of the Committee and the next report of the Committee.

Draft resolution II

STATUS OF THE INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION

The General Assembly,

Recalling its relevant resolutions adopted since 1973, the most recent of which is resolution 43/95 of 8 December 1988,

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[2] Resolution 2106 A (XX), annex.

[3] Resolution 38/14, annex.

Expressing its satisfaction at the entry into force, on 3 December 1982, of the competence of the Committee on the Elimination of Racial Discrimination to receive and consider communications from individuals or groups of individuals under article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination,[2]

1. *Takes note* of the report of the Secretary-General on the status of the International Convention on the Elimination of All Forms of Racial Discrimination (A/45/402);

2. *Expresses its satisfaction* at the number of States that have ratified the Convention or acceded thereto;

3. *Reaffirms once again its conviction* that ratification of or accession to the Convention on a universal basis and implementation of its provisions are necessary for the realization of the objectives of the Second Decade to Combat Racism and Racial Discrimination;[3]

4. *Requests* those States which have not yet become parties to the Convention to ratify it or accede thereto;

5. *Calls upon* the States parties to the Convention to consider the possibility of making the declaration provided for in article 14 of the Convention;

6. *Requests* the Secretary-General to submit to the General Assembly at its forty-seventh session a report concerning the status of the Convention, in accordance with Assembly resolution 2106 A (XX) of 21 December 1965.

Draft resolution III

STATUS OF THE INTERNATIONAL CONVENTION ON THE SUPPRESSION AND PUNISHMENT OF THE CRIME OF *APARTHEID*

The General Assembly,

Recalling its resolutions 41/103 of 4 December 1986, 42/56 of 30 November 1987, 43/97 of 8 December 1988 and 44/69 of 8 December 1989,

Mindful that the International Convention on the Suppression and Punishment of the Crime of *Apartheid*[4] constitutes an important international treaty in the field of human rights and serves to implement the ideals of the Universal Declaration of Human Rights,[5]

Reaffirming its conviction that *apartheid* is a crime against humanity and constitutes a total negation of the purposes and principles of the Charter of the United Nations and a gross violation of human rights, seriously threatening international peace and security,

Strongly condemning the abhorrent policy and system of *apartheid* and the brutal repression it engenders, which continue to aggravate the situation in South Africa,

Emphasizing that the root cause of the conflict in southern Africa is *apartheid* and the racist régime's policy of aggression, State terrorism and destabilization against the front-line and other neighbouring States,

Condemning the continued collaboration of certain States and transnational corporations with the racist régime of South Africa in the political, economic, military and other fields as an encouragement to the intensification of its odious policy of *apartheid*,

Underlining that ratification of or accession to the Convention on a universal basis and the implementation of its provisions without any delay are necessary for its effectiveness and therefore will contribute to the eradication of the crime of *apartheid*,

1. *Takes note* of the report of the Secretary-General on the status of the International Convention on the Suppression and Punishment of the Crime of *Apartheid* (A/45/406);

2. *Commends* those States parties to the Convention that have submitted their reports under article VII thereof;

3. *Appeals once again* to those States that have not yet done so to ratify or to accede to the Convention without further delay, in particular those States that have jurisdiction over transnational corporations operating in South Africa and without whose co-operation such operations could not be halted;

4. *Underlines* the importance of the universal ratification of the Convention, which would be an effective contribution to the fulfilment of the ideals of the Universal Declaration of Human Rights and other human rights instruments;

5. *Calls upon* all States whose transnational corporations continue to do business with South Africa to take appropriate steps to terminate their dealings with South Africa;

6. *Requests* the Commission on Human Rights to intensify, in co-operation with the Special Committee against *Apartheid*, its efforts to compile periodically the progressive list of individuals, organizations, institutions and representatives of States deemed responsible for crimes enumerated in article II of the Convention, as well as those against whom or which legal proceedings have been undertaken;

7. *Requests* the Secretary-General to circulate that list among all States parties to the Convention and all Member States and to bring such facts to the attention of the public by all means of mass communication;

8. *Also requests* the Secretary-General to invite the States parties to the Convention, the specialized agencies and non-governmental organizations to provide the Commission on Human Rights with relevant information concerning the forms of the crime of *apartheid*, as described in article II of the Convention, committed by transnational corporations operating in South Africa;

9. *Notes* the importance of measures to be taken by States parties in the field of teaching and education for fuller implementation of the Convention;

10. *Appeals* to all States, United Nations organs, the specialized agencies and international and national non-governmental organizations to step up their activities to enhance public awareness by denouncing the crimes committed by the racist régime with a view to promoting further ratification of or accession to the Convention;

11. *Requests* the Secretary-General to intensify his efforts, through appropriate channels, to disseminate information on the Convention and its implementation with a view to promoting further ratification of or accession to the Convention;

12. *Also requests* the Secretary-General to include in his next annual report under General Assembly resolution 3380 (XXX) of 10 November 1975 a special section concerning the implementation of the Convention.

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[4] Resolution 3068 (XXVIII), annex.

[5] Resolution 217 A (III).

DOCUMENT A/45/754

Report of the Third Committee on agenda item 98

[*Original: English*]
[*21 November 1990*]

1. At its 3rd plenary meeting, on 21 September 1990, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its forty-fifth session, as item 98, the item entitled "Implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination", and to allocate it to the Third Committee for consideration and report.

2. The Third Committee considered the item jointly with items 88, 91 and 103 at its 3rd to 10th, 18th, 28th, 29th and 31st meetings, held between 8 October and 5 November 1990. An account of the Committee's discussion is contained in the summary records of the meetings (A/C.3/45/SR.3-10, 18, 28, 29 and 31).

3. For its consideration of the item, the Committee had before it the following documents:

[*See the list of documents at the end of the present fascicle.*]

4. As a background document, the Committee also had before it a report of the Secretary-General on the Second Decade to Combat Racism and Racial Discrimination (E/1990/20 and Add.1-3).

5. At the 3rd meeting, the Under-Secretary-General for Human Rights made an introductory statement.

6. At the 18th meeting, the representative of Sierra Leone, on behalf of the Group of African States, introduced a draft resolution (A/C.3/45/L.5) entitled "Second Decade to Combat Racism and Racial Discrimination".

7. At the 29th meeting, the representative of Sierra Leone, on behalf of the sponsors, orally revised the draft resolution by replacing paragraph 9, which read:

> "9. *Welcomes* the progress made in preparing model legislation for the guidance of Governments in the enactment of further legislation against racial discrimination, encourages the Secretary-General to convene a meeting of high-level experts to finalize the text of the model legislation and the handbook of recourse procedures for victims of racial discrimination and requests the Secretary-General to publish and distribute those texts as soon as possible;",

by the following text:

> "9. *Welcomes* the progress made in preparing model legislation for the guidance of Governments in the enactment of further legislation against racial discrimination, and requests the Secretary-General to finalize the text of the model legislation and the handbook of recourse procedures for victims of racial discrimination and to publish and distribute those texts as soon as possible;".

8. At the same meeting, after a statement by the representative of the United States of America, the Committee adopted the draft resolution as orally revised (see para. 10 below).

9. After the adoption of the draft resolution, statements were made by the representatives of Germany, Israel and the United Kingdom of Great Britain and Northern Ireland.

Recommendation of the Third Committee

10. The Third Committee recommends to the General Assembly the adoption of the following draft resolution:

SECOND DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION

The General Assembly,

Reaffirming its objective set forth in the Charter of the United Nations to achieve international co-operation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Reaffirming also its firm determination and its commitment to eradicate totally and unconditionally racism in all its forms, racial discrimination and *apartheid*,

Recalling the Universal Declaration of Human Rights,[5] the International Convention on the Elimination of All Forms of Racial Discrimination,[2] the International Convention on the Suppression and Punishment of the Crime of *Apartheid*[4] and the Convention against Discrimination in Education adopted by the United Nations Educational, Scientific and Cultural Organization on 14 December 1960,[6]

Recalling also its resolution 3057 (XXVIII) of 2 November 1973, on the first Decade for Action to Combat Racism and Racial Discrimination, and its resolution 38/14 of 22 November 1983, on the Second Decade to Combat Racism and Racial Discrimination,

Recalling further the two World Conferences to Combat Racism and Racial Discrimination, held at Geneva in 1978 and 1983,

Bearing in mind the *Report of the Second World Conference to Combat Racism and Racial Discrimination*,[7]

Convinced that the Second World Conference represented a positive contribution by the international community towards attaining the objectives of the Decade, through its adoption of a Declaration[8] and an operational Programme of Action[8] for the Second Decade to Combat Racism and Racial Discrimination,

Noting with concern that, despite the efforts of the international community, the principal objectives of the first Decade for Action to Combat Racism and Racial Discrimination were not attained and that millions of human beings continue to this day to be the victims of varied forms of racism, racial discrimination and *apartheid*,

Recalling its resolutions 39/16 of 23 November 1984, 42/47 of 30 November 1987, 43/91 of 8 December 1988 and 44/52 of 8 December 1989,

Emphasizing once again the necessity of attaining the objectives of the Second Decade to Combat Racism and Racial Discrimination,

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[6] United Nations Educational, Scientific and Cultural Organization, *Records of the General Conference, Eleventh Session, Resolutions*, p. 119.

[7] United Nations publication, Sales No. E.83.XIV.4 and corrigendum.

[8] *Ibid.*, chap. II.

Having considered the note by the Secretary-General (A/45/525) and his report (A/45/443) submitted within the framework of the implementation of the Programme of Action for the Second Decade,

Firmly convinced of the need to take more effective and sustained international measures for the elimination of all forms of racism and racial discrimination and the total eradication of *apartheid* in South Africa,

Regretting that certain activities of the Second Decade scheduled for the period 1985-1989 have not been implemented owing to a lack of financial resources,

Recognizing the importance of strengthening, where necessary, national legislation and institutions for the promotion of racial harmony,

Aware of the importance and the magnitude of the phenomenon of migrant workers, as well as the efforts undertaken by the international community to improve the protection of the human rights of migrant workers and their families,

Welcoming the Declaration on *Apartheid* and its Destructive Consequences in Southern Africa,[9] unanimously adopted by the General Assembly at its sixteenth special session, on 14 December 1989, which offers guidelines on how to end *apartheid*,

1. *Declares once again* that all forms of racism and racial discrimination, particularly in their institutionalized form, such as *apartheid*, or resulting from official doctrines of racial superiority or exclusivity, are among the most serious violations of human rights in the contemporary world and must be combated by all available means;

2. *Decides* that the international community, in general, and the United Nations, in particular, should continue to give the highest priority to programmes for combating racism, racial discrimination and *apartheid* and intensify their efforts, during the Second Decade to Combat Racism and Racial Discrimination, to provide assistance and relief to the victims of racism and all forms of racial discrimination and *apartheid*, especially in South Africa and in occupied territories and territories under alien domination;

3. *Appeals* to all Governments and to international and non-governmental organizations to increase and intensify their activities to combat racism, racial discrimination and *apartheid* and to provide relief and assistance to the victims of these evils;

4. *Takes note* of the report of the Secretary-General (A/45/443) containing information on the activities of Governments, specialized agencies, regional intergovernmental organizations and non-governmental organizations, as well as United Nations organs, to give effect to the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination;

5. *Notes and commends* the efforts made to co-ordinate all the programmes currently under implementation by the United Nations system that relate to the objectives of the Second Decade, and encourages the Co-ordinator for the Second Decade to Combat Racism and Racial Discrimination to continue his efforts;

6. *Welcomes* the upcoming publication of the global compilation of national legislation against racism and racial discrimination,[10] and requests the Secretary-General to transmit it to Governments as soon as possible;

7. *Requests* the Secretary-General to continue the study on the effects of racial discrimination on the children of minorities, in particular those of migrant workers, in the field of education, training and employment, and to submit, *inter alia*, specific recommendations for the implementation of measures to combat the effects of that discrimination;

8. *Recalls* the reports of the Secretary-General on the study on the role of private group action to combat racism and racial discrimination;[11]

9. *Welcomes* the progress made in preparing model legislation for the guidance of Governments in the enactment of further legislation against racial discrimination, and requests the Secretary-General to finalize the text of the model legislation and the handbook of recourse procedures for victims of racial discrimination and to publish and distribute those texts as soon as possible;

10. *Renews its invitation* to the United Nations Educational, Scientific and Cultural Organization to expedite the preparation of teaching materials and teaching aids to promote teaching, training and education activities on human rights and against racism and racial discrimination, with particular emphasis on activities at the primary and secondary levels of education;

11. *Takes note* of the study by the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on the results achieved and obstacles encountered during the first Decade for Action to Combat Racism and Racial Discrimination and the first half of the Second Decade (A/45/525, annex);

12. *Requests* the Secretary-General to publish the study of the Special Rapporteur and distribute it on as wide a scale as possible;

13. *Considers* that all the parts of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination should receive equal attention in order to attain the objectives of the Second Decade;

14. *Regrets* that part of the programme for the period 1983-1989 has not yet been implemented because of lack of adequate resources, as indicated in the report of the Secretary-General to the Economic and Social Council at its first regular session of 1990 (see E/1990/50, para. 31);

15. *Requests* the Secretary-General to implement immediately those activities scheduled for the period 1985-1989 not yet carried out and to proceed with the implementation of the activities scheduled for the biennium 1990-1991;

16. *Affirms once again* the need for the implementation of the plan of activities proposed for the period 1990-1993 contained in the annex to General Assembly resolution 42/47;

17. *Requests* the Secretary-General, pursuant to General Assembly resolutions 42/47 and 44/52, to ensure that the necessary and additional resources are included in the programme budget for the biennum 1990-1991 and in the proposed programme budget for the biennium 1992-1993 to provide for the implementation of the activities of the Second Decade;

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[9] Resolution S-16/1, annex.

[10] HR/PUB/1990/8.

[11] A/41/550, A/43/631 and A/44/575.

18. *Also requests* the Secretary-General to inform the General Assembly of the steps taken in regard to the provisions of paragraph 17 above;

19. *Further requests* the Secretary-General to continue to accord the highest priority, in executing the plan of activities, to measures for combating *apartheid;*

20. *Calls upon* Governments to encourage positive change in South Africa based on the guidelines set out in the Declaration on *Apartheid* and its Destructive Consequences in Southern Africa,[9] in particular by maintaining existing measures against South Africa until there is clear evidence of profound and irreversible change;

21. *Requests* the Secretary-General to continue to accord special attention to the situation of migrant workers and their families and to include regularly in his reports all information on such workers;

22. *Invites* all Governments, United Nations bodies, the specialized agencies and other intergovernmental organizations, as well as interested non-governmental organizations in consultative status with the Economic and Social Council, to participate fully in the activities scheduled for the periods 1985-1989 and 1990-1993 and not yet carried out, by intensifying and broadening their efforts to bring about the speedy elimination of *apartheid* and all forms of racism and racial discrimination;

23. *Considers* that voluntary contributions to the Trust Fund for the Programme for the Decade for Action to Combat Racism and Racial Discrimination are indispensable for the implementation of the above-mentioned programmes;

24. *Notes once again with regret* that the present situation of the Trust Fund is not encouraging;

25. *Strongly appeals,* therefore, to all Governments, organizations and individuals in a position to do so to contribute generously to the Trust Fund, and to this end requests the Secretary-General to continue to undertake appropriate contacts and initiatives to encourage contributions;

26. *Takes note* of the report of the Secretary-General on the activities of the Second Decade (A/45/443), and reiterates its request to the Economic and Social Council, throughout the Decade, to submit annually to the General Assembly a report containing, *inter alia:*

(*a*) An enumeration of the activities undertaken or contemplated to achieve the objectives of the Second Decade, including the activities of Governments, United Nations bodies, the specialized agencies and other international and regional organizations, as well as non-governmental organizations;

(*b*) A review and appraisal of those activities;

(*c*) Its suggestions and recommendations;

27. *Decides* to keep the item entitled "Implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination" on its agenda throughout the Second Decade and to consider it as a matter of the highest priority at its forty-sixth session.

DOCUMENT A/45/759

Report of the Third Committee on agenda item 103

[*Original: English*]
[*21 November 1990*]

1. At its 3rd plenary meeting, on 21 September 1990, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its forty-fifth session, as item 103, the item entitled "Importance of the universal realization of the right of peoples to self-determination and of the speedy granting of independence to colonial countries and peoples for the effective guarantee and observance of human rights", and to allocate it to the Third Committee for consideration and report.

2. The Third Committee considered the item jointly with items 88, 91 and 98 at its 3rd to 10th, 18th, 28th, 29th and 31st meetings, held between 8 October and 5 November 1990. An account of the Committee's discussion is contained in the summary records of the meetings (A/C.3/45/SR.3-10, 18, 28, 29 and 31).

3. For its consideration of the item, the Committee had before it the following documents:

[*See the list of documents at the end of the present fascicle.*]

4. At the 3rd meeting, the Under-Secretary-General for Human Rights made an introductory statement. At the same meeting, the Committee heard also an introductory statement by the Special Rapporteur of the Commission on Human Rights on the question of the use of mercenaries as a means to violate human rights and to impede the exercise of the right of peoples to self-determination.

Consideration of proposals

Draft resolution A/C.3/45/L.6

5. At the 18th meeting, the representative of Sierra Leone, on behalf of the Group of African States, introduced a draft resolution (A/C.3/45/L.6) entitled "Importance of the universal realization of the right of peoples to self-determination and of the speedy granting of independence to colonial countries and peoples for the effective guarantee and observance of human rights".

6. At the same meeting, the representative of Sierra Leone orally revised the draft resolution by adding, at the end of the seventh preambular paragraph, the phrase "and the Declaration on *Apartheid* and its Destructive Consequences in Southern Africa, adopted by the General Assembly on 14 December 1989," and by inserting the same phrase in paragraph 13, after "21 August 1989,".

7. At its 29th meeting, following a statement by the representative of Israel in explanation of vote before the vote, the Committee adopted the draft resolution, as orally revised, by a recorded vote of 104 to 15, with 23 abstentions (see para. 18 below, draft resolution I). The voting was as follows:

In favour: Afghanistan, Albania, Algeria, Angola, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Congo, Côte d'Ivoire, Cuba, Cyprus, Djibouti, Dominican Republic, Ecuador, Egypt, Ethiopia, Fiji, Gabon, Ghana, Grenada, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Malawi, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, Somalia, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Belgium, Canada, Denmark, Finland, France, Germany, Iceland, Israel, Italy, Luxembourg, Netherlands, Norway, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Australia, Austria, Bulgaria, Byelorussian Soviet Socialist Republic, Costa Rica, Czechoslovakia, Dominica, El Salvador, Greece, Hungary, Ireland, Japan, Liechtenstein, Malta, New Zealand, Poland, Portugal, Romania, Samoa, Spain, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

8. At the same meeting, after the adoption of the draft resolution, statements in explanation of vote were made by the representatives of the United States of America, Italy (on behalf of the 12 States members of the European Community), Argentina, Uruguay, Czechoslovakia, Poland, Chile, Bulgaria, Hungary and Australia.

9. At the 31st meeting, statements in explanation of vote were made by the representatives of Romania, Turkey, the Union of Soviet Socialist Republics, Mexico, El Salvador, the Byelorussian Soviet Socialist Republic, Ecuador, Paraguay and the Dominican Republic.

Draft resolution A/C.3/45/L.9

10. At the 18th meeting, the representative of Pakistan, on behalf of Botswana, Brunei Darussalam, Chile, Colombia, Comoros, Costa Rica, Djibouti, Ecuador, Jordan, Malaysia, Mauritania, Morocco, Oman, Pakistan, Papua New Guinea, the Philippines, Qatar, Samoa, Saudi Arabia, Senegal, Singapore, Somalia, the Sudan, Thailand and the United Arab Emirates, introduced a draft resolution (A/C.3/45/L.9) entitled "Universal realization of the right of peoples to self-determination". Subsequently, Sierra Leone and Vanuatu joined in sponsoring the draft resolution.

11. At its 31st meeting, the Committee adopted the draft resolution without a vote (see para. 18 below, draft resolution II).

12. After the adoption of the draft resolution, a statement was made by the representative of India.

Draft resolution A/C.3/45/L.10

13. At the 18th meeting, the representative of Nigeria, on behalf of Algeria, Angola, Benin, Bolivia, Botswana, Burkina Faso, Colombia, Cuba, Ecuador, Ethiopia, Gambia, Ghana, Guinea, Kenya, Lesotho, Liberia, the Libyan Arab Jamahiriya, Maldives, Mali, Mexico, Mozambique, Namibia, Nigeria, Peru, Senegal, Sierra Leone, the Sudan, Swaziland, Uganda, the United Republic of Tanzania, Viet Nam, Zambia and Zimbabwe, introduced a draft resolution (A/C.3/45/L.10) entitled "Use of mercenaries as a means to violate human rights and to impede the exercise of the right of peoples to self-determination".

14. Subsequently, Madagascar and Vanuatu joined in sponsoring the draft resolution.

15. At the 31st meeting, following statements by the representatives of El Salvador and Italy (on behalf of the 12 States members of the European Community), the Committee adopted the draft resolution by a recorded vote of 105 to 10, with 20 abstentions (see para. 18 below, draft resolution III). The voting was as follows:[12]

In favour: Afghanistan, Albania, Algeria, Angola, Argentina, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Dominican Republic, Ecuador, Egypt, El Salvador, Gabon, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Rwanda, Saint Kitts and Nevis, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

Against: Belgium, France, Germany, Italy, Japan, Luxembourg, Netherlands, Portugal, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Australia, Austria, Bulgaria, Canada, Czechoslovakia, Denmark, Finland, Greece, Hungary, Iceland, Ireland, Israel, Malta, New Zealand, Norway, Poland, Romania, Spain, Sweden, Turkey.

16. At the same meeting, statements in explanation of vote after the vote were made by the representatives of the United States of America, Brazil, Japan, Turkey, Paraguay, Malawi and Norway (also on behalf of Denmark, Finland, Iceland and Sweden).

17. Also at the same meeting, statements were made by the representatives of Uganda, Zambia, Australia, Algeria, Zimbabwe and Nigeria in connection with the draft resolutions adopted.

Recommendation of the Third Committee

18. The Third Committee recommends to the General Assembly the adoption of draft resolutions I to III below:

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[12] The delegations of Djibouti, Ethiopia and Ghana subsequently informed the Committee that they had intended to vote in favour of the draft resolution.

Draft resolution I

IMPORTANCE OF THE UNIVERSAL REALIZATION OF THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND OF THE SPEEDY GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES FOR THE EFFECTIVE GUARANTEE AND OBSERVANCE OF HUMAN RIGHTS

The General Assembly,

Reaffirming its faith in the importance of the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in its resolution 1514 (XV) of 14 December 1960,

Reaffirming also the importance of the universal realization of the right of peoples to self-determination, national sovereignty and territorial integrity and of the speedy granting of independence to colonial countries and peoples as imperatives for the full enjoyment of all human rights,

Reaffirming further the obligation of all Member States to comply with the principles of the Charter of the United Nations and the resolutions of the United Nations regarding the exercise of the right to self-determination by peoples under colonial and foreign domination,

Recalling its resolution 1514 (XV) and all relevant resolutions concerning the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Welcoming Namibia's attainment of independence,

Bearing in mind the Declaration adopted by the World Conference on Sanctions against Racist South Africa,[13]

Recalling with satisfaction the adoption at Harare on 21 August 1989 of the Declaration of the *Ad Hoc* Committee of the Organization of African Unity on Southern Africa on the question of South Africa[14] and its subsequent endorsement by the Ninth Conference of Heads of State or Government of Non-Aligned Countries, held at Belgrade from 4 to 7 September 1989,[15] as well as the report of the Monitoring Group of the *Ad Hoc* Committee of the Organization of African Unity on Southern Africa,[16] and the Declaration on *Apartheid* and its Destructive Consequences in Southern Africa,[9] adopted by the General Assembly on 14 December 1989,

Bearing in mind also the outcome of the International Conference on the Alliance between South Africa and Israel, held at Vienna from 11 to 13 July 1983,[17]

Taking note of resolution CM/Res.1272 (LII) on South Africa adopted by the Council of Ministers of the Organization of African Unity at its fifty-second ordinary session, held at Addis Ababa from 3 to 8 July 1990 (see A/45/482, annex I),

Reaffirming that the system of *apartheid* imposed on the South African people constitutes a violation of the fundamental rights of that people, a crime against humanity and a constant threat to international peace and security,

Reaffirming also its resolution 39/2 of 28 September 1984, and recalling Security Council resolution 554 (1984) of 17 August 1984, in which the Council rejected the so-called "new constitution" as null and void, and Council resolution 569 (1985) of 26 July 1985,

Alarmed by the continuing acts of assassination and abductions of members and leaders of the national liberation movements in Africa and elsewhere by hit squads deployed and paid by the racist régime,

Welcoming its resolution 44/244, adopted by consensus on 17 September 1990, in which, *inter alia*, it called upon the South African régime to abide fully by the Declaration on *Apartheid* and its Destructive Consequences in Southern Africa,

Noting that, while some significant political measures in the right direction have been undertaken by the *apartheid* régime, such as the lifting of the ban on political organizations and the release of some political prisoners, *apartheid* is still firmly in place,

Welcoming also the ongoing talks between the African National Congress of South Africa and the South African régime aimed at establishing a political environment suitable for negotiations towards the dismantling of *apartheid*, and the results achieved thus far as contained in the Groote Schuur Minute (A/45/268, annex) and the Pretoria Minute,

Noting with concern that political trials and the detention of political activists continue unabated in South Africa and in total disregard of the agreements reached in talks between the régime and the African National Congress of South Africa,

Deeply concerned about the current wave of violence in South Africa resulting from the continued existence of *apartheid* policies, practices and structures as well as from actions of those forces opposed to the democratic transformation of the country,

Gravely concerned about the *apartheid* régime's continued use of the death penalty against South African patriots with contemptuous disregard for appeals for clemency from the international community, including the General Assembly,

Considering the concerted campaign by the President of the *apartheid* régime to project himself as a reformer in order to ward off the further imposition of sanctions by the international community,

Deeply concerned about the continued terrorist acts of aggression committed by the Pretoria régime against independent African States in the region, in particular the unprovoked attacks against Mozambique, Zambia and Zimbabwe,

Deeply indignant at the persistent policy of hostility by the racist régime of South Africa against Angola, which constitutes an act of aggression against the sovereignty and territorial integrity of that country,

Reaffirming the national unity and territorial integrity of the Comoros,

Recalling the Political Declaration adopted by the first Conference of Heads of State and Government of the Organization of African Unity and the League of Arab States, held at Cairo from 7 to 9 March 1977,[18]

Recalling also the Geneva Declaration on Palestine and the Programme of Action for the Achievement of Palestinian

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[13] *Report of the World Conference on Sanctions against Racist South Africa, Paris, 16-20 June 1986* (United Nations publication, Sales No. E.86.I.23), chap. IX.

[14] A/44/697, annex.

[15] See A/44/551-S/20870, annex.

[16] A/44/963, annex.

[17] See A/38/311-S/15883, annex.

[18] See *Official Records of the Security Council, Thirty-second Year, Supplement for January, February and March 1977*, document S/12298.

Rights, adopted by the International Conference on the Question of Palestine,[19]

Considering that the denial of the inalienable rights of the Palestinian people to self-determination, sovereignty, independence and return to Palestine and the brutal suppression by the Israeli forces of the heroic uprising, the *intifadah*, of the Palestinian population in the occupied territories, as well as repeated Israeli aggression against the population of the region, constitute a serious threat to international peace and security,

Bearing in mind Security Council resolutions 605 (1987) of 22 December 1987, 607 (1988) of 5 January 1988 and 608 (1988) of 14 January 1988 and General Assembly resolutions 43/21 of 3 November 1988, 43/177 of 15 December 1988 and 44/2 of 6 October 1989, on the deterioration of the situation of the Palestinian people in the occupied territories,

Deeply concerned and alarmed at the deplorable consequences of Israel's acts of aggression against Lebanon and its practices in and its continuing occupation of parts of southern Lebanon, as well as its refusal to implement the relevant resolutions of the Security Council, in particular resolution 425 (1978) of 19 March 1978,

1. *Calls upon* all States to implement fully and faithfully all the resolutions of the United Nations regarding the exercise of the right to self-determination and independence by peoples under colonial and foreign domination;

2. *Reaffirms* the legitimacy of the struggle of peoples for independence, territorial integrity, national unity and liberation from colonial domination, *apartheid* and foreign occupation by all available means, including armed struggle;

3. *Reaffirms also* the inalienable right of the Palestinian people and all peoples under foreign occupation and colonial domination to self-determination, national independence, territorial integrity, national unity and sovereignty without foreign interference;

4. *Strongly condemns* those Governments that do not recognize the right to self-determination and independence of all peoples still under colonial domination, alien subjugation and foreign occupation, notably the peoples of Africa and the Palestinian people;

5. *Calls upon* Israel to refrain from deporting any Palestinian civilians from the occupied Palestinian territories and to release immediately all Palestinian detainees;

6. *Strongly condemns also* the constant and deliberate violations of the fundamental rights of the Palestinian people, as well as the expansionist activities of Israel in the Middle East, which constitute an obstacle to the achievement of self-determination and independence by the Palestinian people and a threat to peace and stability in the region;

7. *Urges* all States, the specialized agencies and organizations of the United Nations system, as well as other international organizations, to extend their support to the Palestinian people through its sole and legitimate representative, the Palestine Liberation Organization, in its struggle to regain its right to self-determination and independence in accordance with the Charter of the United Nations;

8. *Urgently appeals* to all States, the United Nations system and other international organizations to assist in the reconstruction and economic development of Namibia;

9. *Condemns* the policy of "bantustanization", and reiterates its support for the oppressed people of South Africa in its just and legitimate struggle against the racist minority régime of Pretoria;

10. *Reaffirms* its rejection of the so-called "new constitution" as null and void, and reiterates that peace in South Africa can be guaranteed only by the establishment of majority rule through the full and free exercise of adult suffrage by all the people in a united and undivided South Africa;

11. *Commends* the mass democratic movement in South Africa for the tremendous advances scored during the recent campaign of defiance of unjust *apartheid* laws in the ongoing struggle against *apartheid;*

12. *Welcomes* the unconditional release of Nelson Mandela and other political prisoners, but condemns the continuing practice of detentions and imprisonment of political activists by the *apartheid* régime;

13. *Strongly urges* the *apartheid* régime to respond positively to the provisions of the Declaration of the *Ad Hoc* Committee of the Organization of African Unity on Southern Africa on the question of South Africa,[14] adopted at Harare on 21 August 1989, and the Declaration on *Apartheid* and its Destructive Consequences in Southern Africa,[9] adopted by the General Assembly on 14 December 1989, by releasing unconditionally all political prisoners and by halting all political trials as a means of creating an environment conducive to the peaceful resolution of the South African situation;

14. *Determines* that the South African racist régime must take additional steps to implement the profound and irreversible changes called for in the Declaration on *Apartheid;*

15. *Calls* for an immediate end to violence, and calls upon the South African régime to take urgent action to end it, specifically by dismantling the *apartheid* structures and ensuring that effective and impartial action is taken by its security forces, and calls upon all parties concerned to contribute to the establishment of a climate free of violence;

16. *Strongly condemns* the establishment and use of armed terrorist groups by South Africa with a view to pitting them against the national liberation movements and destabilizing the legitimate Governments of southern Africa;

17. *Calls once again* for the full implementation of the provisions of the Declaration adopted by the World Conference on Sanctions against Racist South Africa;[13]

18. *Again demands* the immediate application of the mandatory arms embargo against South Africa, imposed under Security Council resolution 418 (1977) of 4 November 1977, by all countries and more particularly by those countries which maintain military and nuclear co-operation with the racist Pretoria régime and continue to supply it with related *matériel;*

19. *Strongly condemns* the policy of those Western States, Israel and other States whose political, economic, military, nuclear, strategic, cultural and sports relations with the racist minority régime of South Africa encourage that régime to persist in its suppression of the aspirations of the people to self-determination and independence;

20. *Denounces* the collusion between Israel and South Africa, and expresses support for the Declaration of the International Conference on the Alliance between South Africa and Israel;[17]

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[19] *Report of the International Conference on the Question of Palestine, Geneva, 29 August–7 September 1983* (United Nations publication, Sales No. E.83.I.21), chap. I.

21. *Strongly condemns* the persistent policy of hostility and aggression pursued by racist South Africa against the sovereignty and territorial integrity of Angola, which constitutes a violation of the New York accord of 22 December 1988;[20]

22. *Demands* that the Pretoria régime respect the sovereignty and territorial integrity of Angola and the principle of non-interference in the internal affairs of that State, and demands the immediate payment of compensation to Angola for damages caused, in accordance with the relevant decisions and resolutions of the Security Council;

23. *Commends* the Government of Angola for its political will, diplomatic flexibility and constructive spirit in the search for a negotiated solution to the problems of southern Africa;

24. *Strongly reaffirms* its solidarity with the independent African countries and national liberation movements that are victims of murderous acts of aggression and destabilization by the racist régime of Pretoria, and calls upon the international community to render increased assistance and support to these countries in order to enable them to strengthen their defence capacity, defend their sovereignty and territorial integrity and peacefully rebuild and develop;

25. *Strongly condemns* the racist régime of South Africa for its past acts of destabilization against Lesotho, and strongly urges the international community to continue to extend maximum assistance to Lesotho to enable it to fulfil its international humanitarian obligations towards refugees and to use its influence on the racist régime of South Africa so that it desists from such acts against Lesotho;

26. *Demands* that the racist régime of South Africa pay full and adequate compensation to Botswana for the loss of life and damage to property resulting from the unprovoked and unwarranted military attacks of 14 June 1985, 19 May 1986 and 20 June 1988 on the capital of Botswana;

27. *Strongly condemns* the escalation of massacres of defenceless people and the continuing destruction of economic and social infrastructures perpetrated against Mozambique by armed terrorists, who are an extension of the South African army of aggression;

28. *Reaffirms* all relevant resolutions adopted by the Organization of African Unity and the United Nations on the question of Western Sahara, including General Assembly resolution 44/88 of 11 December 1989, and calls upon the current Chairman of the Assembly of Heads of State and Government of the Organization of African Unity and the Secretary-General of the United Nations to continue their efforts to find a just and lasting solution to the question;

29. *Notes* the contacts between the Government of the Comoros and the Government of France in the search for a just solution to the problem of the integration of the Comorian island of Mayotte into the Comoros, in accordance with the resolutions of the Organization of African Unity and the United Nations on the question;

30. *Strongly condemns* the continued violation of the human rights of the peoples still under colonial domination and alien subjugation;

31. *Calls* for a substantial increase in all forms of assistance given by all States, United Nations organs, the specialized agencies and non-governmental organizations to the victims of racism, racial discrimination and *apartheid* through national liberation movements recognized by the Organization of African Unity;

32. *Reaffirms* that the practice of using mercenaries against sovereign States and national liberation movements constitutes a criminal act, and calls upon the Governments of all countries to enact legislation declaring the recruitment, financing and training of mercenaries in their territories and the transit of mercenaries through their territories to be punishable offences and prohibiting their nationals from serving as mercenaries, and to report on such legislation to the Secretary-General;

33. *Demands* the immediate and unconditional release of all persons detained or imprisoned as a result of their struggle for self-determination and independence, full respect for their fundamental individual rights and compliance with article 5 of the Universal Declaration of Human Rights,[5] under which no one shall be subjected to torture or to cruel, inhuman or degrading treatment;

34. *Expresses its appreciation* for the material and other forms of assistance that peoples under colonial rule continue to receive from Governments, organizations of the United Nations system and other intergovernmental organizations, and calls for a substantial increase in that assistance;

35. *Urges* all States, the specialized agencies and other competent organizations of the United Nations system to do their utmost to ensure the full implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples and to intensify their efforts to support peoples under colonial, foreign and racist domination in their just struggle for self-determination and independence;

36. *Requests* the Secretary-General to give maximum publicity to the Declaration on the Granting of Independence to Colonial Countries and Peoples and to give the widest possible publicity to the struggle of oppressed peoples for the achievement of their self-determination and national independence and to report periodically to the General Assembly on his activities in this regard;

37. *Decides* to consider this item at its forty-sixth session on the basis of the reports on the strengthening of assistance to colonial territories and peoples that Governments, organizations of the United Nations system, other intergovernmental organizations and non-governmental organizations have been requested to submit.

Draft resolution II

UNIVERSAL REALIZATION OF THE RIGHT OF PEOPLES TO SELF-DETERMINATION

The General Assembly,

Reaffirming the importance, for the effective guarantee and observance of human rights, of the universal realization of the right of peoples to self-determination enshrined in the Charter of the United Nations and embodied in the International Covenants on Human Rights,[21] as well as in the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in General Assembly resolution 1514 (XV) of 14 December 1960,

Welcoming the progressive exercise of the right to self-determination by peoples under colonial, foreign or alien occupation and their emergence into sovereign statehood and independence,

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[20] *Official Records of the Security Council, Forty-third Year, Supplement for October, November and December 1988*, document S/20346, annex.

[21] Resolution 2200 A (XXI), annex.

Deeply concerned at the continuation of acts or threats of foreign military intervention and occupation that are threatening to suppress, or have already suppressed, the right to self-determination of an increasing number of sovereign peoples and nations,

Expressing grave concern that, as a consequence of the persistence of such actions, millions of people have been and are being uprooted from their homes as refugees and displaced persons, and emphasizing the urgent need for concerted international action to alleviate their condition,

Recalling the relevant resolutions regarding the violation of the right of peoples to self-determination and other human rights as a result of foreign military intervention, aggression and occupation, adopted by the Commission on Human Rights at its thirty-sixth,[22] thirty-seventh,[23] thirty-eighth,[24] thirty-ninth,[25] fortieth,[26] forty-first,[27] forty-second,[28] forty-third,[29] forty-fourth,[30] forty-fifth[31] and forty-sixth sessions,[1]

Reiterating its resolutions 35/35 B of 14 November 1980, 36/10 of 28 October 1981, 37/42 of 3 December 1982, 38/16 of 22 November 1983, 39/18 of 23 November 1984, 40/24 of 29 November 1985, 41/100 of 4 December 1986, 42/94 of 7 December 1987, 43/105 of 8 December 1988 and 44/80 of 8 December 1989,

Taking note of the report of the Secretary-General (A/45/500),

1. *Reaffirms* that the universal realization of the right of all peoples, including those under colonial, foreign and alien domination, to self-determination is a fundamental condition for the effective guarantee and observance of human rights and for the preservation and promotion of such rights;

2. *Declares its firm opposition* to acts of foreign military intervention, aggression and occupation, since these have resulted in the suppression of the right of peoples to self-determination and other human rights in certain parts of the world;

3. *Calls upon* those States responsible to cease immediately their military intervention and occupation of foreign countries and territories and all acts of repression, discrimination, exploitation and maltreatment, particularly the brutal and inhuman methods reportedly employed for the execution of these acts against the peoples concerned;

4. *Deplores* the plight of the millions of refugees and displaced persons who have been uprooted as a result of the aforementioned acts, and reaffirms their right to return to their homes voluntarily in safety and honour;

5. *Requests* the Commission on Human Rights to continue to give special attention to the violation of human rights, especially the right to self-determination, resulting from foreign military intervention, aggression or occupation;

6. *Requests* the Secretary-General to report on this issue to the General Assembly at its forty-sixth session under the item entitled "Importance of the universal realization of the right of peoples to self-determination and of the speedy granting of independence to colonial countries and peoples for the effective guarantee and observance of human rights".

Draft resolution III

USE OF MERCENARIES AS A MEANS TO VIOLATE HUMAN RIGHTS AND TO IMPEDE THE EXERCISE OF THE RIGHT OF PEOPLES TO SELF-DETERMINATION

The General Assembly,

Recalling the purposes and principles enshrined in the Charter of the United Nations concerning the strict observance of the principles of sovereign equality, political independence, territorial integrity of States and self-determination of peoples, as well as a scrupulous respect for the principle of the non-use or threat of the use of force in international relations, as developed in the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations,[32]

Reaffirming the legitimacy of the struggle of peoples and their liberation movements for their independence, territorial integrity, national unity and liberation from colonial domination, *apartheid* and foreign intervention and occupation, and that their legitimate struggle can in no way be considered as or equated to mercenary activity,

Recognizing that the use of mercenaries is a threat to international peace and security,

Deeply concerned about the menace that the activities of mercenaries represent for all States, particularly African and other developing States,

Alarmed at the emergence of new international criminal activities carried out by mercenaries in collusion with drug traffickers,

Recognizing that the activities of mercenaries are contrary to the fundamental principles of international law, such as non-interference in the internal affairs of States, territorial integrity and independence, and impede the process of the self-determination of peoples struggling against colonialism, racism and *apartheid* and all forms of foreign domination,

Recalling all of its relevant resolutions, as well as those of the Security Council, the Economic and Social Council and the Organization of African Unity, in which, *inter alia*, it condemned any State that permitted or tolerated the recruitment, financing, training, assembly, transit and use of mercenaries with the objective of overthrowing the Governments of States Members of the United Nations, especially those of developing countries, or of fighting against national liberation movements,

Deeply concerned about the loss of life, the substantial damage to property and the short-term and long-term negative effects on the economy of southern African countries resulting from mercenary aggression,

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[22] See *Official Records of the Economic and Social Council, 1980, Supplement No. 3* and corrigendum (E/1980/13 and Corr.1), chap. XXVI, sect. A.

[23] *Ibid., 1981, Supplement No. 5* and corrigendum (E/1981/25 and Corr.1), chap. XXVIII, sect. A.

[24] *Ibid., 1982, Supplement No. 2* and corrigendum (E/1982/12 and Corr.1), chap. XXVI, sect. A.

[25] *Ibid., 1983, Supplement No. 3* and corrigendum (E/1983/13 and Corr.1), chap. XXVII, sect. A.

[26] *Ibid., 1984, Supplement No. 4* and corrigendum (E/1984/14 and Corr.1), chap. II, sect. A.

[27] *Ibid., 1985, Supplement No. 2* (E/1985/22), chap. II, sect. A.

[28] *Ibid., 1986, Supplement No. 2* (E/1986/22), chap. II, sect. A.

[29] *Ibid., 1987, Supplement No. 5* and corrigenda (E/1987/18 and Corr.1 and 2), chap. II, sect. A.

[30] *Ibid., 1988, Supplement No. 2* and corrigendum (E/1988/12 and Corr.1), chap. II, sect. A.

[31] *Ibid., 1989, Supplement No. 2* (E/1989/20), chap. II, sect. A.

[32] Resolution 2625 (XXV), annex.

Convinced that it is necessary to develop international co-operation among States for the prevention and prosecution of and punishment for such offences,

Welcoming the adoption of the International Convention against the Recruitment, Use, Financing and Training of Mercenaries,[33]

1. *Takes note with appreciation* of the report of the Special Rapporteur of the Commission on Human Rights (A/45/488, annex);

2. *Condemns* the recruitment, financing, training, assembly, transit and use of mercenaries, as well as all other forms of support to mercenaries, for the purpose of destabilizing and overthrowing the Governments of African States and of other developing States and fighting against the national liberation movements of peoples struggling for the exercise of their right to self-determination;

3. *Affirms* that the use of mercenaries and their recruitment, financing and training are offences of grave concern to all States and violate the purposes and principles enshrined in the Charter of the United Nations;

4. *Strongly condemns* the racist régime of South Africa for its use of groups of armed mercenaries against national liberation movements and for the destabilization of the Governments of southern African States;

5. *Denounces* any State that persists in the recruitment, or permits or tolerates the recruitment, of mercenaries and provides facilities to them for launching armed aggression against other States;

6. *Urges* all States to take the necessary steps and to exercise the utmost vigilance against the menace posed by the activities of mercenaries and to ensure, by both administrative and legislative measures, that the territory of those States and other territories under their control, as well as their nationals, are not used for the recruitment, assembly, financing, training and transit of mercenaries, or for the planning of activities designed to destabilize or overthrow the Government of any State and to fight the national liberation movements struggling against racism, *apartheid*, colonial domination and foreign intervention or occupation;

7. *Calls upon* all States to extend humanitarian assistance to victims of situations resulting from the use of mercenaries, as well as from colonial or alien domination or foreign occupation;

8. *Considers* that to use channels of humanitarian and other assistance to finance, train and arm mercenaries is inadmissible;

9. *Urges* all States to take early action to sign, accede to or ratify the International Convention against the Recruitment, Use, Financing and Training of Mercenaries, in order to expedite the coming into force of that Convention;

10. *Requests* the Secretary-General to report to the General Assembly at its forty-sixth session on the use of mercenaries.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 68th plenary meeting, on 14 December 1990, the General Assembly took action on the draft resolutions submitted by the Third Committee in its reports on agenda items 88, 91, 98 and 103.

The draft resolution submitted in the report on agenda item 88 (A/45/744, para. 9) was adopted by 120 votes to 9, with 22 abstentions.* For the final text, see resolution 45/84.[34]

Draft resolutions I to III submitted in the report on agenda item 91 (A/45/747, para. 15) were adopted as follows: draft resolutions I and II were adopted without a vote; the words "State terrorism" in the fifth preambular paragraph of draft resolution III were retained by 99 votes to 18, with 27 abstentions,* the sixth preambular paragraph was adopted by 114 votes to 12, with 19 abstentions,* paragraph 5 was adopted by 114 votes to 10, with 22 abstentions,* paragraph 8 was adopted by 116 votes to 14, with 17 abstentions,* and draft resolution III as a whole was adopted by 120 votes to 1, with 20 abstentions.* For the final texts, see resolutions 45/88 to 45/90.[34]

The draft resolution submitted in the report on agenda item 98 (A/45/754, para. 10) was adopted without a vote. For the final text, see resolution 45/105.[34]

Draft resolutions I to III submitted in the report on agenda item 103 (A/45/759, para. 18) were adopted as follows: draft resolution I was adopted by 113 votes to 15, with 23 abstentions,* draft resolution II was adopted without a vote and draft resolution III was adopted by 121 votes to 10, with 21 abstentions.* For the final texts, see resolutions 45/130 to 45/132.[34]

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[33] Resolution 44/34, annex.

* Recorded vote.

[34] See *Official Records of the General Assembly, Forty-fifth Session, Supplement No. 49*.

LIST OF OTHER DOCUMENTS PERTAINING TO THE ITEMS

Symbol	*Title or description*	*Agenda item*	*Observations and references*
A/45/3 and Add.1 and 2	Report of the Economic and Social Council for the year 1990 (chap. III, sect. A)	98	See *Official Records of the General Assembly, Forty-fifth Session, Supplement No. 3*
A/45/18	Report of the Committee on the Elimination of Racial Discrimination	91	*Ibid., Supplement No. 18*
A/45/61	Letter dated 19 December 1989 from the representative of Hungary to the Secretary-General	91, 98	
A/45/111-S/21132	Letter dated 7 February 1990 from the representative of Albania to the Secretary-General	91	*Official Records of the Security Council, Forty-fifth Year, Supplement for January, February and March 1990*, document S/21132
A/45/139-S/21163	Letter dated 23 February 1990 from the representative of Yugoslavia to the Secretary-General	91	*Ibid.*, document S/21163
A/45/140-S/21164	*Idem*	91	*Ibid.*, document S/21164
A/45/174	Letter dated 20 March 1990 from the representative of Hungary to the Secretary-General	91, 98	
A/45/178	Letter dated 23 March 1990 from the representative of Hungary to the Secretary-General	91	
A/45/202-S/21230	Letter dated 4 April 1990 from the representative of Israel to the Secretary-General	91	
A/45/203-S/21231	Letter dated 5 April 1990 from the representative of Israel to the Secretary-General	91	
A/45/216-S/21248	Letter dated 12 April 1990 from the representative of Israel to the Secretary-General	91	
A/45/222-S/21255	Letter dated 18 April 1990 from the representative of Israel to the Secretary-General	91	
A/45/225-S/21256	Letter dated 19 April 1990 from the representative of Israel to the Secretary-General	91	
A/45/254-S/21271	Letter dated 24 April 1990 from the representative of Israel to the Secretary-General	91	
A/45/265-S/21284	Letter dated 2 May 1990 from the representative of Israel to the Secretary-General	91	
A/45/268	Letter dated 4 May 1990 from the representative of South Africa to the Secretary-General	103	
A/45/269-S/21288	Letter dated 7 May 1990 from the representative of Israel to the Secretary-General	91	
A/45/336-S/21385	Letter dated 29 June 1990 from the representative of Ireland to the Secretary-General transmitting the text of the conclusions adopted by the heads of State or Government of the 12 member States of the European Community at the meeting of the European Council held at Dublin on 25 and 26 June 1990	91, 98	
A/45/402	Status of the International Convention on the Elimination of All Forms of Racial Discrimination: report of the Secretary-General	91	
A/45/406	Status of the International Convention on the Suppression and Punishment of the Crime of *Apartheid*: report of the Secretary-General	91	
A/45/421-S/21797	Letter dated 19 September 1990 from the representative of Egypt to the Secretary-General transmitting the text of the documents adopted by the Nineteenth Islamic Conference of Foreign Ministers, held at Cairo from 31 July to 5 August 1990	91	
A/45/443	Report of the Secretary-General	98	
A/45/456	Letter dated 27 August 1990 from the representative of Vanuatu to the Secretary-General transmitting the text of the final communiqué of the Twenty-first South Pacific Forum, held at Port Vila on 31 July and 1 August 1990	103	
A/45/482	Letter dated 15 August 1990 from the representative of Niger to the Secretary-General	103	
A/45/488	The use of mercenaries as a means to violate human rights and to impede the exercise of the right of peoples to self-determination: note by the Secretary-General	103	
A/45/500	Report of the Secretary-General	103	
A/45/525	Report of the Special Rapporteur entitled "Study on the achievements made and obstacles encountered during the Decades to Combat Racism and Racial Discrimination": note by the Secretary-General transmitting the report	98	

Symbol	*Title or description*	*Agenda item*	*Observations and references*
A/45/552	Report of the Special Rapporteur on the adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist régime of South Africa: note by the Secretary-General transmitting the report	88	
A/45/579	Question of financing the expenses of the members of the Committee on the Elimination of Racial Discrimination: report of the Secretary-General	91	
A/C.3/45/L.4	Draft resolution	88	See A/45/744, paras. 5, 6 and 9
A/C.3/45/L.5	*Idem*	98	See A/45/754, paras. 6, 7 and 10
A/C.3/45/L.6	*Idem*	103	See A/45/759, paras. 5, 6 and 18, draft resolution I
A/C.3/45/L.7	*Idem*	91	See A/45/747, paras. 5 and 15, draft resolution I
A/C.3/45/L.8	*Idem*	91	*Ibid.*, paras. 8 and 15, draft resolution II
A/C.3/45/L.9	*Idem*	103	See A/45/759, paras. 10 and 18, draft resolution II
A/C.3/45/L.10	*Idem*	103	*Ibid.*, paras. 13, 14 and 18, draft resolution III
A/C.3/45/L.11	*Idem*	91	See A/45/747, paras. 10 and 15, draft resolution III
E/1990/20 and Add.1-3	Report of the Secretary-General	98	
E/1990/50	Situation and developments regarding the logistical and human rights resources support for the activities of the Centre for Human Rights in the field of human rights: report of the Secretary-General	98	

United Nations

GENERAL ASSEMBLY

Official Records

Agenda items 89, 93, 97, 105, 106, 109 and 110*

ANNEXES

FORTY-FIFTH SESSION

NEW YORK, 1990/1991

Agenda item 89: Effective implementation of United Nations instruments on human rights and effective functioning of bodies established pursuant to such instruments

Agenda item 93: Human rights and scientific and technological developments

Agenda item 97: Implementation of the Convention on the Rights of the Child

Agenda item 105: International Covenants on Human Rights

Agenda item 106: Elimination of all forms of religious intolerance

Agenda item 109: Torture and other cruel, inhuman or degrading treatment or punishment

Agenda item 110: Enhancing the effectiveness of the principle of periodic and genuine elections

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* For the records of the relevant meetings, see *Official Records of the General Assembly, Forty-fifth Session, Third Committee*, 35th to 42nd, 49th, 51st, 55th, 57th and 59th to 62nd meetings, and corrigendum; and *ibid., Plenary Meetings*, 68th and 69th meetings. For the prior consideration of the question dealt with under item 89, see *Official Records of the General Assembly, Forty-fourth Session, Annexes*, agenda item 109 and for the questions dealt with under items 93, 105, 106, 109 and 110, see *Official Records of the General Assembly, Forty-fourth Session, Annexes*, agenda items 95, 98, 106 to 108, 112, 114 and 115.

DOCUMENT A/45/745

Report of the Third Committee on agenda item 89

[*Original: English*]
[*7 December 1990*]

1. At its 3rd plenary meeting, on 21 September 1990, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its forty-fifth session, as item 89, the item entitled "Effective implementation of United Nations instruments on human rights and effective functioning of bodies established pursuant to such instruments", and to allocate it to the Third Committee for consideration and report.

2. The Third Committee considered the item jointly with items 93, 97, 105, 106, 109 and 110 at its 35th to 42nd, 49th, 51st, 55th, 57th and 59th to 62nd meetings, held between 7 November and 4 December 1990. An account of the Committee's discussion is contained in the summary records of the meetings (A/C.3/45/SR.35-42, 49, 51, 55, 57 and 59-62).

3. For its consideration of the item, the Committee had before it the following documents:

[*See the list of documents at the end of the present fascicle.*]

4. At the 35th meeting, the Director of the Implementation of International Instruments and Procedures Branch of the Centre for Human Rights of the Secretariat made an introductory statement.

5. At the 49th meeting, the representative of Canada, on behalf of Australia, Austria, Belgium, Canada, Costa Rica, Denmark, Finland, Germany, Hungary, Iceland, Italy, the Netherlands, New Zealand, Norway, the Philippines, Poland, Portugal, Sweden and Yugoslavia, introduced a draft resolution (A/C.3/45/L.50). Subsequently, Saint Kitts and Nevis joined in sponsoring the draft resolution.

6. In introducing the draft resolution, the representative of Canada orally revised it by replacing paragraph 6, which read:

> "6. *Encourages* the Secretary-General and the States parties to the United Nations human rights instruments to proceed with the circulation to the various treaty bodies, as soon as possible, of the detailed reporting manual to

assist States in the fulfilment of their reporting obligations;"

by the following text:

"6. *Encourages* the Secretary-General to proceed as soon as possible with the circulation of the detailed reporting manual to the various States parties to the United Nations human rights instruments, to assist them in the fulfilment of their reporting obligations;".

7. At the 55th meeting, the representative of Canada further revised the draft resolution by replacing in paragraph 16 the word "meeting" by the word "meetings".

8. At the same meeting, the Committee adopted the draft resolution as orally revised (see para. 9 below).

Recommendation of the Third Committee

9. The Third Committee recommends to the General Assembly the adoption of the following draft resolution:

EFFECTIVE IMPLEMENTATION OF INTERNATIONAL INSTRUMENTS ON HUMAN RIGHTS, INCLUDING REPORTING OBLIGATIONS UNDER INTERNATIONAL INSTRUMENTS ON HUMAN RIGHTS

The General Assembly,

Recalling its resolution 44/135 of 15 December 1989, as well as its other relevant resolutions,

Taking note of Commission on Human Rights resolutions 1990/21 of 23 February 1990 and 1990/25 of 27 February 1990,[1] and Economic and Social Council decision 1990/226 of 25 May 1990, by which the Council approved the recommendations of the Task Force on Computerization for computerizing the human rights treaty system,[2]

Reaffirming that the effective implementation of United Nations instruments on human rights is of major importance to the efforts made by the Organization, pursuant to the Charter of the United Nations and to the Universal Declaration of Human Rights,[3] to promote universal respect for and observance of human rights and fundamental freedoms,

Considering that the effective functioning of treaty bodies established pursuant to United Nations instruments on human rights is indispensable for the effective implementation of such instruments,

Reaffirming its responsibility to ensure the proper functioning of treaty bodies established pursuant to instruments adopted by the General Assembly and, in this connection, further reaffirming the importance of:

(*a*) Ensuring the effective functioning of systems of periodic reporting by States parties to these instruments;

(*b*) Securing sufficient financial resources to overcome existing difficulties with the effective functioning of treaty bodies;

(*c*) Addressing the question of reporting obligations and that of financial implications whenever elaborating any further instruments on human rights,

Recognizing that the effective implementation of instruments on human rights not only enhances international accountability in relation to the promotion and protection of human rights, but also provides States parties with a valuable opportunity to review policies and programmes affecting the promotion and protection of human rights and to make any appropriate adjustments,

Expressing concern about the continuing and increasing backlog of reports on implementation by States parties of United Nations instruments on human rights and about delays in consideration of reports by the treaty bodies,

Bearing in mind the report of the Secretary-General[4] on progress achieved in enhancing the effective functioning of the treaty bodies, pursuant, *inter alia*, to the conclusions and recommendations of the second meeting of persons chairing the human rights treaty bodies, held at Geneva from 10 to 14 October 1988,[5]

Taking note of the conclusions and recommendations of the third meeting of persons chairing the human rights treaty bodies, held at Geneva from 1 to 5 October 1990 (see A/45/636, annex),

Bearing in mind the study by the independent expert[6] on possible long-term approaches to enhancing the effective operation of existing and prospective bodies established under United Nations instruments on human rights,

1. *Endorses* the conclusions and recommendations of the meetings of persons chairing the human rights treaty bodies aimed at streamlining, rationalizing and otherwise improving reporting procedures, and supports the continuing efforts in this connection by the treaty bodies and the Secretary-General within their respective spheres of competence;

2. *Once again expresses its satisfaction* with the study by the independent expert on possible long-term approaches to enhancing the effective operation of existing and prospective bodies established under United Nations instruments on human rights, which contains several recommendations on reporting and monitoring procedures, servicing and financing of supervisory bodies and long-term approaches to human rights standard-setting and implementation mechanisms, and which was presented to the Commission on Human Rights for detailed consideration at its forty-sixth session;

3. *Endorses* the recommendations of the Task Force on Computerization[2] appointed by the Secretary-General to prepare a study on computerizing the work of the treaty-monitoring bodies, with a view to increasing efficiency and facilitating compliance by States parties with their reporting obligations and the examination of reports by the treaty bodies;

4. *Requests* the Secretary-General to give high priority to establishing a computerized data base to increase the efficiency and effectiveness of the functioning of the treaty bodies;

5. *Recalls* the report of the Secretary-General[7] to the Committee on Economic, Social and Cultural Rights showing the extent of overlapping issues dealt with in international instruments on human rights, which will assist efforts to reduce, as appropriate, duplication in the supervisory bodies of issues raised with respect to any given State party, and asks the Secretary-General to draw the report to the attention of the other treaty bodies;

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[1] See *Official Records of the Economic and Social Council, 1990, Supplement No. 2* and corrigendum (E/1990/22 and Corr.1), chap. II, sect. A.

[2] See E/CN.4/1990/39, annex.

[3] Resolution 217 A (III).

[4] A/44/539.

[5] See A/44/98, annex.

[6] See A/44/668, annex.

[7] E/C.12/1989/3.

6. *Encourages* the Secretary-General to proceed as soon as possible with the circulation of the detailed reporting manual to the various States parties to the United Nations human rights instruments, to assist them in the fulfilment of their reporting obligations;

7. *Again urges* States parties to make every effort to meet their reporting obligations and to assist, individually and through meetings of States parties, in identifying and implementing ways of further streamlining and improving reporting procedures as well as enhancing co-ordination and information flow between the treaty bodies and with relevant United Nations bodies, including specialized agencies;

8. *Welcomes* the emphasis placed by the meeting of persons chairing the human rights treaty bodies and by the Commission on Human Rights on the importance of technical assistance and advisory services and, therefore:

(*a*) Endorses the request of the Commission that the Secretary-General report regularly to it on possible technical assistance projects identified by the treaty bodies;

(*b*) Invites the treaty bodies to give priority attention to identifying such possibilities in the regular course of their work of reviewing the periodic reports of States parties;

9. *Endorses* the recommendations of the meeting of persons chairing the human rights treaty bodies on the need to ensure financing and adequate staffing resources for the operations of the treaty bodies and, with this in mind:

(*a*) Reiterates its request that the Secretary-General review the need for adequate staffing resources in regard to the various treaty bodies;

(*b*) Requests that the Secretary-General report on this question to the Commission on Human Rights at its forty-seventh session and to the General Assembly at its forty-sixth session;

10. *Calls upon* all States parties to meet fully and without delay their financial obligations under the relevant instruments on human rights, and requests the Secretary-General to consider ways and means of strengthening collection procedures and making them more effective;

11. *Welcomes* the fact that at its forty-sixth session the Commission on Human Rights, in its resolution 1990/25, noted that the General Assembly could consider alleviating the financial difficulties of treaty bodies, *inter alia*, by the temporary allocation of necessary funds by way of advances out of the regular budget of the United Nations, which would be reimbursed from the contributions received within the same budget year, this procedure being repeated until such time as a permanent solution to such difficulties can be implemented;

12. *Requests* the Secretary-General, as a matter of priority, to consider administrative and budgetary measures to alleviate the current financial difficulties of the treaty bodies and thus guarantee their regular functioning and to report on these measures to the Commission on Human Rights at its forty-seventh session;

13. *Emphasizes* that the adoption of any administrative and budgetary measures shall not prejudice the duty of States parties under United Nations human rights instruments to meet all their financial obligations pursuant to such instruments;

14. *Notes with interest* that the meeting of persons chairing the human rights treaty bodies recommended in October 1990 that the General Assembly take appropriate measures to ensure the financing of each of the committees from the regular budget of the United Nations (see A/45/636, annex, para. 15);

15. *Invites* the persons chairing the human rights treaty bodies to maintain communication and dialogue with each other on common issues and problems and, to this end, requests the Secretary-General, within existing resources, to convene a further meeting of the persons chairing the treaty bodies at a time to be established;

16. *Decides* to give priority consideration at its forty-sixth session to the conclusions and recommendations of the meetings of persons chairing treaty bodies, in the light of the deliberations of the Commission on Human Rights, under the item entitled "Effective implementation of United Nations instruments on human rights and effective functioning of bodies established pursuant to such instruments".

DOCUMENT A/45/749

Report of the Third Committee on agenda item 93

[*Original: English*]
[*7 December 1990*]

1. At its 3rd plenary meeting, on 21 September 1990, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its forty-fifth session, as item 93, the item entitled "Human rights and scientific and technological developments", and to allocate it to the Third Committee for consideration and report.

2. The Third Committee considered the item jointly with items 89, 97, 105, 106, 109 and 110 at its 35th to 42nd, 49th, 51st, 55th, 57th and 59th to 62nd meetings, held between 7 November and 4 December 1990. An account of the Committee's discussion is contained in the summary records of the meetings (A/C.3/45/SR.35-42, 49, 51, 55, 57 and 59 to 62).

3. For its consideration of the item, the Committee had before it a note by the Secretary-General (A/45/580) transmitting the guidelines for the regulation of computerized personal data files (E/CN.4/1990/72).

4. At the 35th meeting, the Director of the Implementation of International Instruments and Procedures Branch of the Centre for Human Rights of the Secretariat made an introductory statement.

Consideration of proposals

Draft resolution A/C.3/45/L.47

5. At the 49th meeting, the representative of the United Kingdom of Great Britain and Northern Ireland, on behalf of Australia, Belgium, Bolivia, the Byelorussian Soviet Socialist Republic, Costa Rica, France, Germany, Guatemala, Italy, Luxembourg, Morocco, the Netherlands, Norway, Peru, the Union of Soviet Socialist Republics and the United

Kingdom of Great Britain and Northern Ireland, introduced a draft resolution (A/C.3/45/L.47) entitled "Human rights and scientific and technological developments". Subsequently, Greece, Saint Kitts and Nevis and Samoa joined in sponsoring the draft resolution.

6. At its 55th meeting, the Committee adopted the draft resolution (see para. 19 below, draft resolution I).

Draft resolution A/C.3/45/L.48

7. At the 49th meeting, the representative of the Byelorussian Soviet Socialist Republic, on behalf of Afghanistan, Algeria, Angola, Argentina, Bangladesh, Benin, Bolivia, Burkina Faso, the Byelorussian Soviet Socialist Republic, Cameroon, Colombia, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Honduras, the Lao People's Democratic Republic, Madagascar, Mali, Morocco, Peru, Poland, Romania, Sierra Leone, the Ukrainian Soviet Socialist Republic, the Union of Soviet Socialist Republics and Viet Nam, introduced a draft resolution (A/C.3/45/L.48) entitled "Human rights and scientific and technological developments". Subsequently, Togo joined in sponsoring the draft resolution.

8. At its 55th meeting, the Committee adopted the draft resolution (see para. 19 below, draft resolution II).

Draft resolution A/C.3/45/L.57 and Rev.1

9. At the 51st meeting, the representative of Mongolia, on behalf of Algeria, Burkina Faso, Guatemala, Guinea, Indonesia, Madagascar, Mali, Mongolia, Morocco, Myanmar, Nigeria, Papua New Guinea, Saint Kitts and Nevis, Samoa, the Solomon Islands, the Ukrainian Soviet Socialist Republic, Viet Nam and Zimbabwe, introduced a draft resolution (A/C.3/45/L.57) entitled "Need to ensure a healthy environment for the well-being of individuals". The draft resolution read as follows:

> "*The General Assembly*,
>
> [*Same text as draft resolution III in paragraph 19 below, with the exception of the ninth and tenth preambular paragraphs and paragraphs 3 and 4.*]
>
> "*Stressing* the need for just burden sharing between developed and developing countries and their responsibility for the preservation and improvement of the environment,
>
> "*Welcoming* the decision of the Commission on Human Rights and its Sub-Commission on Prevention of Discrimination and Protection of Minorities to study the problems of the environment and its relation to human rights,
>
> "3. *Encourages* the Commission on Human Rights, with the assistance of its Sub-Commission on Prevention of Discrimination and Protection of Minorities, to continue studying the problems of the environment and its relation to human rights, with a view to submitting the progress made on the matter to the United Nations Conference on Environment and Development;
>
> "4. *Decides* to consider this question at its forty-sixth session under the item entitled 'Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms'."

10. At the 57th meeting, the representative of Mongolia, on behalf of the sponsors, introduced a revised version (A/C.3/45/L.57/Rev.1) of the draft resolution. Subsequently, the Byelorussian Soviet Socialist Republic and Vanuatu joined in sponsoring the revised draft resolution.

11. At the same meeting, the representative of Mongolia, on behalf of the sponsors, orally revised the revised draft resolution by replacing paragraph 4, which read:

> "4. *Decides* to consider this question at its forty-sixth session under the item entitled 'Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms'.",

by the following text:

> "4. *Believes* that appropriate organs of the United Nations should pursue active efforts in seeking to promote a better and healthier environment."

12. At the same meeting, statements were made by the representatives of the United Kingdom of Great Britain and Northern Ireland and Mongolia.

13. At the 59th meeting, the representative of Mongolia, on behalf of the sponsors, further orally revised paragraph 4 of the revised draft resolution to read as follows:

> "4. *Believes* that appropriate organs of the United Nations, within their respective competences, should pursue active efforts in seeking to promote a better and healthier environment."

14. At the same meeting, the Committee adopted the revised draft resolution as orally revised (see para. 19 below, draft resolution III).

15. After the adoption of the draft resolution, the representatives of Bolivia, New Zealand, the United States of America, Brazil, Malaysia, Peru, Singapore, Colombia, Cuba, Barbados, Egypt and Pakistan made statements.

Draft resolution A/C.3/45/L.66

16. At the 51st meeting, the representative of France, on behalf of France, Italy, Luxembourg and the United Kingdom of Great Britain and Northern Ireland, introduced a draft resolution (A/C.3/45/L.66) entitled "Guidelines for the regulation of computerized personal data files".

17. At its 55th meeting, the Committee adopted the draft resolution (see para. 19 below, draft resolution IV).

18. After the adoption of the draft resolution, the representative of Germany made a statement.

Recommendation of the Third Committee

19. The Third Committee recommends to the General Assembly the adoption of draft resolutions I to IV below:

Draft resolution I

HUMAN RIGHTS AND SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS

The General Assembly,

Mindful of the provisions of the Universal Declaration of Human Rights,[7] the International Covenant on Civil and Political Rights,[8] the International Covenant on Economic, Social and Cultural Rights[8] and other relevant instruments, such as the Declaration on the Rights of Disabled Persons[9] and the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment,[10]

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[8] See resolution 2200 A (XXI), annex.

[9] Resolution 3447 (XXX).

Recalling its resolution 33/53 of 14 December 1978, in which it requested the Commission on Human Rights to urge the Sub-Commission on Prevention of Discrimination and Protection of Minorities to undertake, as a matter of priority, a study of the question of the protection of those detained on the grounds of mental ill-health, with a view to formulating guidelines,

Recalling also its resolution 44/134 of 15 December 1989, in which it welcomed the establishment of the open-ended Working Group of the Commission on Human Rights to examine, revise and simplify as necessary the draft body of principles and guarantees submitted by the Sub-Commission,

Taking note of Commission on Human Rights resolution 1990/38 of 6 March 1990[1] and Economic and Social Council resolution 1990/37 of 25 May 1990, by which the Council authorized the Working Group to continue its work with a view to submitting the draft body of principles and guarantees to the Commission at its forty-seventh session,

1. *Welcomes* the significant progress made by the Working Group in the elaboration of a body of principles for the protection of persons with mental illness and for the improvement of mental health care, and urges the Group to complete its work expeditiously for submission to the Commission on Human Rights;

2. *Requests* the Commission on Human Rights to consider the subject at its forty-seventh session, in the light of the report and recommendations of the Working Group, with a view to submitting the draft principles to the General Assembly at its forty-sixth session, through the Economic and Social Council.

Draft resolution II

HUMAN RIGHTS AND SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS

The General Assembly,

Noting that scientific and technological progress is one of the decisive factors in the development of human society,

Bearing in mind the relevant provisions of the Universal Declaration of Human Rights,[3] the International Covenant on Economic, Social and Cultural Rights,[8] the International Covenant on Civil and Political Rights[8] and the Declaration on Social Progress and Development,[11]

Conscious that it is only the creative genius of humankind that makes progress and the development of civilization possible in a peaceful environment and that human life must be recognized as supreme,

Recalling the fundamental importance of the right to life,

Bearing in mind also that the exchange and transfer of scientific and technological knowledge is one of the important ways to accelerate the social and economic development of the developing countries,

1. *Calls upon* all States to make every effort to use the achievements of science and technology in order to promote peaceful social, economic and cultural development and progress;

2. *Recalls* the historic responsibility of the Governments of all countries of the world to preserve civilization and to ensure that everyone enjoys his or her inherent right to life, and calls upon them to do their utmost to assist in implementing the right to life through the adoption of appropriate measures at both the national and the international levels;

3. *Also calls upon* all States, appropriate United Nations bodies, the specialized agencies and intergovernmental and non-governmental organizations concerned to take the necessary measures to ensure that the results of scientific and technological progress and the material and intellectual potential of mankind are used for the benefit of mankind and for promoting and encouraging universal respect for human rights and fundamental freedoms;

4. *Decides* to include in the provisional agenda of its forty-sixth session the item entitled "Human rights and scientific and technological developments".

Draft resolution III

NEED TO ENSURE A HEALTHY ENVIRONMENT FOR THE WELL-BEING OF INDIVIDUALS

The General Assembly,

Recalling that, in accordance with the provisions of the Universal Declaration of Human Rights[3] and the International Covenant on Economic, Social and Cultural Rights,[8] everyone has the right to an adequate standard of living for his or her own health and well-being and that of his or her family and to the continuous improvement of living conditions,

Recognizing the need to promote universal respect for, and observance of, human rights and fundamental freedoms in all their aspects,

Considering that a better and healthier environment can help contribute to the full enjoyment of human rights by all,

Reaffirming that in accordance with the Declaration of the United Nations Conference on the Human Environment,[12] men and women have the fundamental right to freedom, equality and adequate conditions of life in an environment of a quality that permits a life of dignity and well-being, and that they bear a solemn responsibility to protect and improve the environment for present and future generations,

Bearing in mind the fact that increasing environmental degradation could endanger the very basis of life,

Bearing in mind also that the economic growth and development of the developing countries are essential in order to address the problems of the degradation and protection of the environment,

Emphasizing the increasing role of the United Nations in addressing global environmental problems,

Recalling that the United Nations Conference on Environment and Development, to be held in Brazil in 1992, will elaborate strategies and measures to halt and reverse the effects of environmental degradation in the context of strengthened national and international efforts to promote sustainable and environmentally sound development in all countries,

Stressing the importance for all countries to take effective actions for the protection and enhancement of the environment in accordance with their respective capacities and responsibilities and taking into account the specific needs of developing countries and that, as the major sources of pollution, the developed countries have the main responsibility for taking appropriate measures urgently,

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[10] Resolution 43/173, annex.

[11] Resolution 2542 (XXIV).

[12] *Report of the United Nations Conference on the Human Environment, Stockholm, 5-16 June 1972* (United Nations publication, Sales No. E.73.II.A.14 and corrigendum), chap. I.

Welcoming Commission on Human Rights resolution 1990/41 of 6 March 1990[1] and Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1990/7 of 30 August 1990,[13] in which they decided to study the problems of the environment and its relation to human rights,

1. *Recognizes* that all individuals are entitled to live in an environment adequate for their health and well-being;

2. *Calls upon* Member States and intergovernmental and non-governmental organizations dealing with environmental questions to enhance their efforts towards ensuring a better and healthier environment;

3. *Encourages* the Commission on Human Rights, with the assistance of its Sub-Commission on Prevention of Discrimination and Protection of Minorities, to continue studying the problems of the environment and its relation to human rights, with a view to submitting to the Preparatory Committee of the United Nations Conference on Environment and Development, through the Economic and Social Council, a report on the progress made on the matter;

4. *Believes* that appropriate organs of the United Nations, within their respective competences, should pursue active efforts in seeking to promote a better and healthier environment.

Draft resolution IV

GUIDELINES FOR THE REGULATION OF COMPUTERIZED PERSONAL DATA FILES

The General Assembly,

Recalling its resolution 44/132 of 15 December 1989,

Bearing in mind Commission on Human Rights resolution 1990/42 of 6 March 1990[1] and Economic and Social Council resolution 1990/38 of 25 May 1990, entitled "Guidelines on the use of computerized personal files",

1. *Expresses its appreciation* to the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, Mr. Louis Joinet, for his report containing a revised version of the draft guidelines for the regulation of computerized personal data files;[14]

2. *Conveys its thanks* to the Governments that have communicated to the Secretary-General their comments and suggestions[15] concerning the previous version of the draft guidelines;[16]

3. *Adopts* the guidelines for the regulation of computerized personal data files in their revised version;

4. *Requests* Governments to take into account those guidelines in their legislation and administrative regulations;

5. *Requests* governmental, intergovernmental and non-governmental organizations to respect those guidelines in carrying out the activities within their field of competence.

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[13] See E/CN.4/1991/2-E/CN.4/Sub.2/1990/59.

[14] E/CN.4/1990/72.

[15] See A/44/606 and Add.1.

[16] E/CN.4/Sub.2/1988/22.

DOCUMENT A/45/753

Report of the Third Committee on agenda item 97

[Original: English]
[7 December 1990]

1. At its 3rd plenary meeting, on 21 September 1990, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its forty-fifth session, as item 97, the item entitled "Implementation of the Convention on the Rights of the Child", and to allocate it to the Third Committee for consideration and report.

2. The Third Committee considered the item jointly with items 89, 93, 105, 106, 109 and 110 at its 35th to 42nd, 49th, 51st, 55th, 57th and 59th to 62nd meetings, held between 7 November and 4 December 1990. An account of the Committee's discussion is contained in the summary records of the meetings (A/C.3/45/SR.35-42, 49, 51, 55, 57 and 59-62).

3. For its consideration of the item, the Committee had before it the following documents:

[*See the list of documents at the end of the present fascicle.*]

4. At the 35th meeting, the Director of the Implementation of International Instruments and Procedures Branch of the Centre for Human Rights of the Secretariat made an introductory statement.

5. At the 49th meeting, the representative of Poland, on behalf of Argentina, Australia, Austria, the Bahamas, Bangladesh, Belgium, Bolivia, Brazil, Bulgaria, Burkina Faso, Burundi, the Byelorussian Soviet Socialist Republic, Cameroon, Canada, Chile, China, Colombia, the Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Denmark, the Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Finland, France, Germany, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Honduras, Hungary, Iceland, Indonesia, Ireland, Italy, Jordan, Kenya, Lesotho, the Libyan Arab Jamahiriya, Liechtenstein, Luxembourg, Madagascar, Mali, Malta, Mauritania, Mexico, Mongolia, Morocco, Namibia, Nepal, New Zealand, Nicaragua, Nigeria, Norway, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, the Philippines, Poland, Portugal, Romania, Samoa, Senegal, Spain, Sri Lanka, Suriname, Sweden, the Syrian Arab Republic, Togo, Tunisia, Turkey, the Ukrainian Soviet Socialist Republic, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela, Viet Nam, Yugoslavia, Zambia and Zimbabwe, introduced a draft resolution (A/C.3/45/L.51) entitled "Convention on the Rights of the Child". Subsequently, Botswana, Niger and Saint Kitts and Nevis joined in sponsoring the draft resolution.

6. At its 55th meeting, the Committee adopted the draft resolution (see para. 7 below).

Recommendation of the Third Committee

7. The Third Committee recommends to the General Assembly the adoption of the following draft resolution:

Convention on the Rights of the Child

The General Assembly,

Recalling its previous resolutions and those of the Commission on Human Rights and the Economic and Social Council related to the question of a convention on the rights of the child,

Recalling in particular its resolution 44/25 of 20 November 1989, by which it adopted and opened for signature, ratification and accession the Convention on the Rights of the Child and called upon all Member States to consider signing and ratifying or acceding to the Convention as a matter of priority,

Reaffirming that children's rights require special protection and call for continuous improvement of the situation of children all over the world, as well as for their development and education in conditions of peace and security,

Profoundly concerned that the situation of children in many parts of the world remains critical as a result of inadequate social conditions, natural disasters, armed conflicts, exploitation, illiteracy, hunger and disability, and convinced that urgent and effective national and international action is called for,

Mindful of the important role of the United Nations Children's Fund and of the United Nations in promoting the well-being of children and their development,

Convinced that the Convention on the Rights of the Child, as a standard-setting accomplishment of the United Nations in the field of human rights, makes a positive contribution to protecting children's rights and ensuring their well-being,

Welcoming with satisfaction the successful conclusion of the World Summit for Children, held in New York on 29 and 30 September 1990, in particular the adoption of the World Declaration on the Survival, Protection and Development of Children and the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s (A/45/625, annex), and stressing the necessity to ensure follow-up to the Summit at the national and international levels,

Encouraged by the fact that an unprecedented number of States have to date become signatories and parties to the Convention, thereby demonstrating the widespread commitment that exists to strive for the promotion and protection of the rights of the child,

1. *Takes note with appreciation* of the report of the Secretary-General on the status of the Convention on the Rights of the Child (A/45/473);

2. *Welcomes with deep satisfaction* the entry into force of the Convention on 2 September 1990 as a major step in international efforts to promote universal respect for and observance of human rights and fundamental freedoms;

3. *Expresses its satisfaction* at the number of States that have signed, ratified or acceded to the Convention since it was opened for signature, ratification and accession on 26 January 1990;

4. *Calls upon* all States that have not done so to sign, ratify or accede to the Convention as a matter of priority;

5. *Requests* the Secretary-General to provide all facilities and assistance necessary for the dissemination of information on the Convention and its implementation, with a view to promoting further ratification of or accession to the Convention;

6. *Emphasizes* the importance of the strictest compliance by States parties with their obligations under the Convention;

7. *Recognizes* the importance of the establishment of the Committee on the Rights of the Child as an essential mechanism for overseeing the effective implementation of the provisions of the Convention;

8. *Also requests* the Secretary-General to ensure the provision of appropriate staff and facilities so that the functions of the Committee on the Rights of the Child may be carried out effectively;

9. *Invites* United Nations agencies and organizations, as well as intergovernmental and non-governmental organizations, to intensify their efforts with a view to disseminating information on the Convention and promoting its understanding;

10. *Further requests* the Secretary-General to submit to the General Assembly at its forty-sixth session a report on the status of the Convention on the Rights of the Child;

11. *Decides* to consider the report of the Secretary-General at its forty-sixth session under the item entitled "Implementation of the Convention on the Rights of the Child".

DOCUMENT A/45/761

Report of the Third Committee on agenda item 105

[*Original: English*]
[*10 December 1990*]

1. At its 3rd plenary meeting, on 21 September 1990, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its forty-fifth session, as item 105, the item entitled "International Covenants on Human Rights", and to allocate it to the Third Committee for consideration and report.

2. The Third Committee considered the item jointly with items 89, 93, 97, 106, 109 and 110 at its 35th to 42nd, 49th, 51st, 55th, 57th and 59th to 62nd meetings, held between 7 November and 4 December 1990. An account of the Committee's discussion is contained in the summary records of the meetings (A/C.3/45/SR.35-42, 49, 51, 55, 57 and 59-62).

3. For its consideration of the item, the Committee had before it the following documents:

[*See the list of documents at the end of the present fascicle.*]

4. At the 35th meeting, the Director of the Implementation of International Instruments and Procedures Branch of

the Centre for Human Rights of the Secretariat made an introductory statement.

5. At the 49th meeting, the representative of Sweden, on behalf of Algeria, Australia, Austria, the Byelorussian Soviet Socialist Republic, Canada, Costa Rica, Denmark, Ecuador, El Salvador, Finland, Hungary, Iceland, Italy, the Netherlands, New Zealand, Norway, Peru, the Philippines, Poland, Senegal, Spain, Sweden and the Union of Soviet Socialist Republics, introduced a draft resolution (A/C.3/45/L.53) entitled "International Covenants on Human Rights". Subsequently, Cyprus joined in sponsoring the draft resolution.

6. At the 55th meeting, the Committee adopted the draft resolution (see para. 8 below).

7. After the adoption of the draft resolution, the representative of Saudi Arabia made a statement.

Recommendation of the Third Committee

8. The Third Committee recommends to the General Assembly the adoption of the following draft resolution:

INTERNATIONAL COVENANTS ON HUMAN RIGHTS

The General Assembly,

Recalling its resolution 44/129 of 15 December 1989 and taking note of Commission on Human Rights resolution 1990/20 of 23 February 1990,[1]

Mindful that the International Covenants on Human Rights[8] constitute the first all-embracing and legally binding international treaties in the field of human rights and, together with the Universal Declaration of Human Rights,[3] form the core of the international Bill of Human Rights,

Considering that the twenty-fifth anniversary of the adoption of the Covenants on 16 December 1991 provides an appropriate occasion to focus on the fundamental importance and special status of these basic human rights instruments of the United Nations,

Taking note of the report of the Secretary-General (A/45/403) on the status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols to the International Covenant on Civil and Political Rights,

Noting, in this regard, that a number of States Members of the United Nations have yet to become parties to the International Covenants on Human Rights,

Recalling the International Covenant on Economic, Social and Cultural Rights[8] and the International Covenant on Civil and Political Rights,[8] and reaffirming that all human rights and fundamental freedoms are indivisible and interrelated and that the promotion and protection of one category of rights should never exempt or excuse States from the promotion and protection of the other,

Recognizing the important role of the Human Rights Committee in the implementation of the International Covenant on Civil and Political Rights and the Optional Protocols thereto,[17]

Also recognizing the important role of the Committee on Economic, Social and Cultural Rights in the implementation of the International Covenant on Economic, Social and Cultural Rights,

Welcoming the submission to the General Assembly of the annual report of the Human Rights Committee (A/45/40) and the report of the Committee on Economic, Social and Cultural Rights on its fourth session (E/1990/23),

Considering that the effective functioning of treaty bodies established [illegible] accordance with the relevant provisions of international instruments on human rights plays a fundamental role and hence represents an important continuing concern of the United Nations,

Noting with concern the critical situation with regard to overdue reports from States parties to the International Covenants on Human Rights,

Taking note with appreciation of the recommendations and conclusions of the third meeting of persons chairing human rights treaty bodies, held at Geneva from 1 to 5 October 1990 (A/45/636, annex),

1. *Takes note with appreciation* of the report of the Human Rights Committee on its thirty-seventh, thirty-eighth and thirty-ninth sessions (A/45/40) including the suggestions and recommendations of a general nature approved by the Committee;

2. *Also takes note with appreciation* of the report of the Committee on Economic, Social and Cultural Rights on its fourth session, including its suggestions and recommendations;

3. *Expresses its satisfaction* with the serious and constructive manner in which both Committees are carrying out their function;

4. *Urges* States parties to the International Covenants on Human Rights to pay active attention to the protection and promotion of civil and political rights, as well as economic, social and cultural rights, taking into consideration their indivisible and interrelated character and the fact that the promotion and protection of one category of rights should never exempt or excuse States from the promotion and protection of the other rights;

5. *Urges* those States parties to the International Covenant on Civil and Political Rights that have been requested by the Human Rights Committee to provide additional information to comply with that request;

6. *Also urges* States parties to fulfil their reporting obligations under the International Covenants on Human Rights;

7. *Notes with satisfaction* that the majority of States parties to the International Covenant on Civil and Political Rights and an increasing number of States parties to the International Covenant on Economic, Social and Cultural Rights have been represented by experts in the presentation of their reports, thereby assisting the respective monitoring bodies in their work, and hopes that all States parties to both Covenants will arrange such representation in the future;

8. *Again urges* all States which have not yet done so to become parties to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights and to consider acceding to the Optional Protocols to the International Covenant on Civil and Political Rights;

9. *Invites* the States parties to the International Covenant on Civil and Political Rights to consider making the declaration provided for in article 41 of the Covenant;

10. *Emphasizes* the importance of the strictest compliance by States parties with their obligations under the Inter-

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[17] See resolution 2200 A (XXI), annex, and resolution 44/128, annex.

national Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights and where applicable, the Optional Protocols to the International Covenant on Civil and Political Rights;

11. *Stresses* the importance of avoiding the erosion of human rights by derogation, and underlines the necessity of strict observance of the agreed conditions and procedures for derogation under article 4 of the International Covenant on Civil and Political Rights, bearing in mind the need for States parties to provide the fullest possible information during states of emergency, so that the justification for and appropriateness of measures taken in these circumstances can be assessed;

12. *Appeals* to States parties to the Covenants that have exercised their sovereign right to make reservations in accordance with relevant rules of international law to consider whether any such reservations should be reviewed;

13. *Urges* States parties to the International Covenant on Economic, Social and Cultural Rights, the specialized agencies and other relevant United Nations bodies to extend their full support and co-operation to the Committee on Economic, Social and Cultural Rights;

14. *Welcomes* the adoption by the Committee on Economic, Social and Cultural Rights of general comment No. 2 (1990), regarding international technical assistance measures in relation to article 22 of the Covenant (E/1990/23, annex III);

15. *Requests* the Secretary-General to keep the Human Rights Committee and the Committee on Economic, Social and Cultural Rights informed of the relevant activities of the General Assembly, the Economic and Social Council, the Commission on Human Rights, the Commission on the Status of Women, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, the Committee on the Elimination of Racial Discrimination, the Committee on the Elimination of Discrimination against Women, the Committee against Torture and, where appropriate, other functional commissions of the Economic and Social Council and the specialized agencies, and also to transmit the annual reports of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights to those bodies;

16. *Also requests* the Secretary-General to ensure that the Centre for Human Rights of the Secretariat effectively assists the Human Rights Committee and the Committee on Economic, Social and Cultural Rights in the implementation of their respective mandates;

17. *Again urges* the Secretary-General, taking into account the suggestions of the Human Rights Committee, to take determined steps to give more publicity to the work of that Committee and, similarly, to the work of the Committee on Economic, Social and Cultural Rights;

18. *Encourages* all Governments to publish the texts of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols to the International Covenant on Civil and Political Rights in as many languages as possible and to distribute them and make them known as widely as possible in their territories;

19. *Further requests* the Secretary-General to submit to the General Assembly at its forty-sixth session, under the item entitled "International Covenants on Human Rights", a report on the status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols to the International Covenant on Civil and Political Rights;

20. *Decides* to hold a commemorative meeting in honour of the Covenants on 16 December 1991, the twenty-fifth anniversary of their adoption.

DOCUMENT A/45/762

Report of the Third Committee on agenda item 106

[*Original: English*]
[*10 December 1990*]

1. At its 3rd plenary meeting, on 21 September 1990, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its forty-fifth session, as item 106, the item entitled "Elimination of all forms of religious intolerance", and to allocate it to the Third Committee for consideration and report.

2. The Third Committee considered the item jointly with items 89, 93, 97, 105, 109 and 110 at its 35th to 42nd, 49th, 51st, 55th, 57th and 59th to 62nd meetings, held between 7 November and 4 December 1990. An account of the Committee's discussion is contained in the summary records of the meetings (A/C.3/45/SR.35-42, 49, 51, 55, 57 and 59-62).

3. For its consideration of the item, the Committee had before it the following documents:

[*See the list of documents at the end of the present fascicle.*]

4. At the 35th meeting, the Director of the Implementation of International Instruments and Procedures Branch of the Centre for Human Rights of the Secretariat made an introductory statement.

5. At the 49th meeting, the representative of Ireland, on behalf of Australia, Austria, Belgium, Canada, Colombia, Costa Rica, Côte d'Ivoire, Fiji, Finland, France, Germany, Hungary, Ireland, Italy, Luxembourg, the Netherlands, New Zealand, Norway, the Philippines, Poland, Portugal, Senegal, Sweden, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Uruguay and Venezuela, introduced a draft resolution (A/C.3/45/L.55) entitled "Elimination of all forms of religious intolerance". Subsequently, Peru and Samoa joined in sponsoring the draft resolution.

6. At its 55th meeting, the Committee adopted the draft resolution (see para. 7 below).

Recommendation of the Third Committee

7. The Third Committee recommends to the General Assembly the adoption of the following draft resolution:

ELIMINATION OF ALL FORMS OF RELIGIOUS INTOLERANCE

The General Assembly,

Conscious of the need to promote universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Reaffirming its resolution 36/55 of 25 November 1981, by which it proclaimed the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

Recalling its resolution 44/131 of 15 December 1989, in which it requested the Commission on Human Rights to continue its consideration of measures to implement the Declaration,

Encouraged by the efforts being made by the Commission on Human Rights and by the Sub-Commission on Prevention of Discrimination and Protection of Minorities to study relevant developments affecting the implementation of the Declaration,

Taking note of Commission on Human Rights resolution 1990/27 of 2 March 1990,[1] and Economic and Social Council decision 1990/229 of 25 May 1990, by which the mandate of the Special Rapporteur appointed to examine incidents and governmental actions in all parts of the world that are incompatible with the provisions of the Declaration and to recommend remedial measures as appropriate was extended for two years,

Recognizing that it is desirable to enhance the promotional and public information activities of the United Nations in matters relating to freedom of religion or belief and that both Governments and non-governmental organizations have an important role to play in this domain,

Emphasizing that non-governmental organizations and religious bodies and groups at every level have an important role to play in the promotion of tolerance and the protection of freedom of religion or belief by, *inter alia*, engaging in the examination of the most effective means to promote the implementation of the Declaration,

Conscious of the importance of education in ensuring tolerance of religion and belief,

Seriously concerned that intolerance and discrimination on the grounds of religion or belief continue to occur in many parts of the world and that in some respects the incidence thereof has increased,

Believing that further efforts are therefore required to promote and protect the right to freedom of thought, conscience, religion and belief and to eliminate all forms of intolerance and discrimination based on religion or belief,

Noting that the tenth anniversary of the proclamation by the General Assembly of the Declaration will occur in 1991 and that this will provide an opportunity to reinforce efforts aimed at the effective implementation of the Declaration,

1. *Reaffirms* that freedom of thought, conscience, religion and belief is a right guaranteed to all without discrimination;

2. *Urges* States, therefore, in accordance with their respective constitutional systems and with such internationally accepted instruments as the Universal Declaration of Human Rights,[3] the International Covenant on Civil and Political Rights[8] and the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, to provide, where they have not already done so, adequate constitutional and legal guarantees of freedom of thought, conscience, religion and belief, including the provision of effective remedies where there is intolerance or discrimination based on religion or belief;

3. *Urges* all States to take all appropriate measures to combat intolerance and to encourage understanding, tolerance and respect in matters relating to freedom of religion or belief and, in this context, to examine where necessary the supervision and training of their civil servants, educators and other public officials to ensure that, in the course of their official duties, they respect different religions and beliefs and do not discriminate against persons professing other religions or beliefs;

4. *Calls upon* all States to recognize, as provided in the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, the right of all persons to worship or assemble in connection with a religion or belief, and to establish and maintain places for these purposes;

5. *Also calls upon* all States in accordance with their national legislation to exert utmost efforts to ensure that religious places and shrines are fully respected and protected;

6. *Urges* all States to consider, in the context of the tenth anniversary in 1991 of the proclamation of the Declaration by the General Assembly, what further measures might be taken at the national and regional levels to promote the effective implementation of the Declaration;

7. *Invites* the United Nations University and other academic and research institutions to undertake programmes and studies on the encouragement of understanding, tolerance and respect in matters relating to freedom of religion or belief;

8. *Considers* it desirable to enhance the promotional and public information activities of the United Nations in matters relating to freedom of religion or belief and to ensure, especially in the context of the tenth anniversary of the proclamation of the Declaration, that appropriate measures are taken to this end in the World Public Information Campaign for Human Rights;

9. *Invites* the Secretary-General to continue to give high priority to the dissemination of the text of the Declaration, in all the official languages of the United Nations, and to take all appropriate measures to make the text available for use by United Nations information centres, as well as by other interested bodies;

10. *Welcomes* the efforts of non-governmental organizations to promote the implementation of the Declaration, including the Second International Conference on Ways to Promote the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, held at Warsaw from 14 to 18 May 1989;

11. *Requests* the Secretary-General to invite interested non-governmental organizations to consider what further role they could envisage playing in the implementation of the Declaration and in its dissemination in national and local languages;

12. *Urges* all States to consider disseminating the text of the Declaration in their respective national languages and to facilitate its dissemination in national and local languages;

13. *Welcomes* the decision of the Economic and Social Council, based on the recommendation of the Commission on Human Rights at its forty-sixth session, to renew for two years the mandate of the Special Rapporteur appointed to examine incidents and governmental actions in all parts of the world that are incompatible with the provisions of the Declaration and to recommend remedial measures as appropriate;

14. *Notes* that the Commission on Human Rights welcomed the working paper prepared by Mr. Theo van Boven,[18] member of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, which contained a compilation of provisions relevant to the elimination of intolerance and discrimination based on religion or belief, as well as the issues and factors to be considered before any drafting of a further binding international instrument, and emphasizes, in this connection, the relevance of General Assembly resolution 41/120 of 4 December 1986 entitled "Setting international standards in the field of human rights";

15. *Requests* the Commission on Human Rights to continue its consideration of measures to implement the Declaration and to report, through the Economic and Social Council, to the General Assembly at its forty-sixth session;

16. *Decides* to include in the provisional agenda of its forty-sixth session the item entitled "Elimination of all forms of religious intolerance" and to consider the report of the Commission on Human Rights under that item.

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[18] E/CN.4/Sub.2/1989/32.

DOCUMENT A/45/765

Report of the Third Committee on agenda item 109

[*Original: English*]
[*10 December 1990*]

1. At its 3rd plenary meeting, on 21 September 1990, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its forty-fifth session, as item 109, the item entitled "Torture and other cruel, inhuman or degrading treatment or punishment", and to allocate it to the Third Committee for consideration and report.

2. The Third Committee considered the item jointly with items 89, 93, 97, 105, 106 and 110 at its 35th to 42nd, 49th, 51st, 55th, 57th and 59th to 62nd meetings, held between 7 November and 4 December 1990. An account of the Committee's discussion is contained in the summary records of the meetings (A/C.3/45/SR.35-42, 49, 51, 55, 57 and 59-62).

3. For its consideration of the item, the Committee had before it the following documents:

[*See the list of documents at the end of the present fascicle.*]

4. At the 35th meeting, the Director of the Implementation of International Instruments and Procedures Branch of the Centre for Human Rights of the Secretariat made an introductory statement.

Consideration of proposals

Draft resolution A/C.3/45/L.49

5. At the 49th meeting, the representative of the Netherlands, on behalf of Argentina, Australia, Austria, Belgium, Brazil, Bulgaria, Canada, Colombia, Costa Rica, Cyprus, Denmark, Ecuador, El Salvador, Finland, France, Germany, Greece, Guinea, Hungary, Italy, Luxembourg, Mexico, the Netherlands, New Zealand, Nicaragua, Norway, Paraguay, Peru, Portugal, Romania, Senegal, Spain, Sweden, the Ukrainian Soviet Socialist Republic, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, Uruguay and Venezuela, introduced a draft resolution (A/C.3/45/L.49) entitled "Report of the Committee against Torture and status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment".

6. At its 55th meeting, the Committee adopted the draft resolution (see para. 12 below, draft resolution I).

Draft resolution A/C.3/45/L.52

7. At the 49th meeting, the representative of Iceland, on behalf of Argentina, Australia, Austria, Brazil, Canada, Chile, Colombia, Denmark, Finland, France, Germany, Greece, Haiti, Hungary, Iceland, Ireland, Kenya, the Libyan Arab Jamahiriya, Liechtenstein, Luxembourg, Malta, the Netherlands, New Zealand, Norway, Senegal, Spain, Sweden, the United Kingdom of Great Britain and Northern Ireland and the United States of America, introduced a draft resolution (A/C.3/45/L.52) entitled "United Nations Voluntary Fund for Victims of Torture".

8. At its 55th meeting, the Committee adopted the draft resolution (see para. 12 below, draft resolution II).

Draft resolution A/C.3/45/L.54

9. At the 49th meeting, the representative of Zambia, on behalf of Afghanistan, Algeria, Angola, Botswana, Burkina Faso, the Congo, Costa Rica, Cuba, Egypt, Ethiopia, Guatemala, Guinea, the Libyan Arab Jamahiriya, Mali, Mongolia, Morocco, Namibia, Nigeria, Somalia, the Sudan, Tunisia, Uganda, the United Republic of Tanzania, Zaire, Zambia and Zimbabwe, introduced a draft resolution (A/C.3/45/L.54) entitled "Torture and inhuman treatment of children in detention in South Africa". Subsequently, Burundi and Niger joined in sponsoring the draft resolution.

10. At its 55th meeting, the Committee adopted the draft resolution (see para. 12 below, draft resolution III).

11. After the adoption of the draft resolution, statements were made by the representatives of Italy (on behalf of the 12 States members of the European Community), the United States of America and Sweden (on behalf of Denmark, Finland, Iceland and Norway).

Recommendation of the Third Committee

12. The Third Committee recommends to the General Assembly the adoption of draft resolutions I to III below:

Draft resolution I

Report of the Committee against Torture and status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

The General Assembly,

Recalling article 5 of the Universal Declaration of Human Rights[3] and article 7 of the International Covenant on Civil and Political Rights,[8] both of which provide that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

Recalling also the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly in its resolution 3452 (XXX) of 9 December 1975,

Recalling further its resolution 39/46 of 10 December 1984, by which it adopted and opened for signature, ratification and accession the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and called upon all Governments to consider signing and ratifying the Convention as a matter of priority, as well as its subsequent resolutions on the status of the Convention, most recently its resolution 44/144 of 15 December 1989, as well as the Commission on Human Rights resolutions on the subject, most recently resolution 1990/28 of 2 March 1990,[1]

Mindful of the relevance, for the eradication of torture and other cruel, inhuman or degrading treatment or punishment, of the Code of Conduct for Law Enforcement Officials[19] and of the Principles of Medical Ethics relevant to the role of health personnel, particularly physicians, in the protection of prisoners and detainees against torture and other cruel, inhuman or degrading treatment or punishment,[20]

Recalling the adoption of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment,[10]

Seriously concerned about the alarming number of reported cases of torture and other cruel, inhuman or degrading treatment or punishment taking place in various parts of the world,

Determined to promote the full implementation of the prohibition, under international and national law, of the practice of torture and other cruel, inhuman or degrading treatment or punishment,

Taking note of the decision of the Commission on Human Rights, in its resolution 1990/34 of 2 March 1990[1] to extend for two years the mandate of the Special Rapporteur to examine questions relevant to torture,

1. *Welcomes* the report of the Committee against Torture (A/45/44 and Corr.1);

2. *Takes note* of the report of the Secretary-General on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (A/45/408);

3. *Stresses* the importance of strict adherence by States parties to the obligations under the Convention regarding the financing of the Committee against Torture, thus enabling it to carry out in an effective and efficient manner all the functions entrusted to it under the Convention, so as to ensure the long-term viability of the Committee as an essential mechanism for overseeing the effective implementation of the provisions of the Convention;

4. *Welcomes* the attention that the Committee against Torture has given to the development of an effective system of reporting on the implementation of the Convention by States parties, and especially its revision of its general guidelines for the submission of initial reports by States parties;

5. *Welcomes also* the continuing close contacts and exchange of information, reports and documents between the Committee against Torture and the Special Rapporteur of the Commission on Human Rights on questions relating to torture;

6. *Requests* the Secretary-General to ensure the provision of appropriate staff and facilities for the effective performance of the functions of the Committee against Torture;

7. *Reiterates its request* to all States to become parties to the Convention as a matter of priority;

8. *Once again invites* all States, upon ratification of or accession to the Convention, or subsequently, to consider the possibility of making the declarations provided for in articles 21 and 22 of the Convention;

9. *Also requests* the Secretary-General to submit to the Commission on Human Rights at its forty-seventh session and to the General Assembly at its forty-sixth session a report on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

10. *Decides* to consider the report of the Secretary-General at its forty-sixth session under the item entitled "Torture and other cruel, inhuman or degrading treatment or punishment".

Draft resolution II

United Nations Voluntary Fund for Victims of Torture

The General Assembly,

Recalling article 5 of the Universal Declaration of Human Rights,[3] which states that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

Recalling also the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[21]

Recalling with satisfaction the entry into force on 26 June 1987 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[22]

Recalling its resolution 36/151 of 16 December 1981, in which it noted with deep concern that acts of torture took place in various countries, recognized the need to provide assistance to the victims of torture in a purely humanitarian spirit and established the United Nations Voluntary Fund for Victims of Torture,

Alarmed at the widespread occurrence of torture and other cruel, inhuman or degrading treatment or punishment,

Convinced that the struggle to eliminate torture includes the provision of assistance in a humanitarian spirit to the victims and members of their families,

Taking note of the report of the Secretary-General (A/45/633),

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[19] Resolution 34/169, annex.

[20] Resolution 37/194, annex.

[21] Resolution 3452 (XXX), annex.

[22] Resolution 39/46, annex.

1. *Expresses its gratitude and appreciation* to the Governments, organizations and individuals that have already contributed to the United Nations Voluntary Fund for Victims of Torture;

2. *Calls upon* all Governments, organizations and individuals in a position to do so to respond favourably to requests for initial as well as further contributions to the Fund;

3. *Invites* Governments to make contributions to the Fund, preferably on a regular basis, in order to enable the Fund to provide continuous support to projects that depend on recurrent grants;

4. *Expresses its appreciation* to the Governments that pledged a contribution to the Fund at the 1990 United Nations Pledging Conference for Development Activities;

5. *Requests* the Secretary-General to continue to include the Fund on an annual basis among the programmes for which funds are pledged at the United Nations Pledging Conference for Development Activities;

6. *Expresses its appreciation* to the Board of Trustees of the Fund for the work it has carried out;

7. *Also expresses its appreciation* to the Secretary-General for the support given to the Board of Trustees of the Fund by carrying out its decisions on an increasing number of projects;

8. *Requests* the Secretary-General to make use of all existing possibilities, including the preparation, production and dissemination of information materials, to assist the Board of Trustees of the Fund in its efforts to make the Fund and its humanitarian work better known and in its appeal for contributions.

Draft resolution III

TORTURE AND INHUMAN TREATMENT OF CHILDREN IN DETENTION IN SOUTH AFRICA

The General Assembly,

Recalling its resolution 44/143 of 15 December 1989 and taking note of Commission on Human Rights resolution 1990/11 of 23 February 1990,[1]

Recalling also the relevant provisions of the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[21] the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment[22] and the Declaration on the Rights of the Child,[23]

Welcoming the entry into force of the Convention on the Rights of the Child[24] and the results of the World Summit for Children, in particular the adoption on 30 September 1990 of the World Declaration on the Survival, Protection and Development of Children and the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s (A/45/625, annex),

Taking note of the report of the Secretary-General (A/45/615), and in particular of the condemnation expressed therein by the *Ad Hoc* Working Group of Experts on Southern Africa of the Commission on Human Rights with regard to the lack of government concern for the violation of the human rights of the children of South Africa in matters of freedom of movement and the right to education and health (*ibid.*, para. 8 (para. 229 of the quoted text)),

1. *Expresses its profound outrage* at evidence of detention, torture and inhuman treatment of children in South Africa;

2. *Vigorously condemns* the *apartheid* racist régime for the continued detention, torture and inhuman treatment of children in South Africa;

3. *Reiterates its demand* for the immediate and unconditional release of all children held in detention by the *apartheid* régime in South Africa;

4. *Reiterates its appeal* to all relevant United Nations bodies, specialized agencies and non-governmental organizations to intensify the world-wide campaign aimed at drawing attention to, monitoring and exposing these inhuman practices;

5. *Requests* the Commission on Human Rights to continue to pay special attention to the question of detention, torture and other inhuman treatment of children in South Africa;

6. *Requests* the Secretary-General to submit a report to the General Assembly at its forty-sixth session on the implementation of the present resolution;

7. *Decides* to consider this question at its forty-sixth session under the item entitled "Torture and other cruel, inhuman or degrading treatment or punishment".

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[23] Resolution 1386 (XIV).

[24] Resolution 44/25, annex.

DOCUMENT A/45/766

Report of the Third Committee on agenda item 110

[*Original: English*]
[*12 December 1990*]

1. At its 3rd plenary meeting, on 21 September 1990, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its forty-fifth session, as item 110, the item entitled "Enhancing the effectiveness of the principle of periodic and genuine elections", and to allocate it to the Third Committee for consideration and report.

2. The Third Committee considered the item jointly with items 89, 93, 97, 105, 106 and 109 at its 35th to 42nd, 49th, 51st, 55th, 57th and 59th to 62nd meetings, held between 7 November and 4 December 1990. An account of the Committee's discussion is contained in the summary records of the meetings (A/C.3/45/SR.35-42, 49, 51, 55, 57 and 59-62).

3. For its consideration of the item, the Committee had before it the following documents:

[*See the list of documents at the end of the present fascicle.*]

Consideration of proposals

Draft resolution A/C.3/45/L.56

4. At the 49th meeting, the representative of the United States of America, on behalf of Belgium, Bulgaria, Canada, Czechoslovakia, El Salvador, France, Germany, Haiti, Honduras, Hungary, Italy, Japan, Luxembourg, Malta, Poland, Portugal, Romania, Turkey, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Zaire, introduced a draft resolution (A/C.3/45/L.56) entitled "Enhancing the effectiveness of the principle of periodic and genuine elections". Subsequently, Australia and Saint Kitts and Nevis joined in sponsoring the draft resolution which read as follows:

> "*The General Assembly*,
>
> "*Aware* of its obligations under the Charter of the United Nations to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples and to promote and encourage respect for human rights and fundamental freedoms for all,
>
> "*Recognizing* that, in accordance with the Universal Declaration of Human Rights,[3] the ideal of free human beings enjoying civil and political freedom and freedom from fear and want can be achieved only if conditions are created whereby everyone may enjoy his civil and political rights, as well as his economic, social and cultural rights,
>
> "*Embracing* the principle of periodic and genuine elections proclaimed in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights[8] which recognizes that the authority to govern shall be based on the will of the people,
>
> "*Taking note* of the Secretary-General's observations concerning United Nations support for elections in Member States, as presented in his report on the work of the Organization (A/45/1),
>
> "*Recalling* its resolution 43/157 of 8 December 1988,
>
> "1. *Affirms* the value of the electoral assistance that the United Nations has provided at the request of Member States, in the context of full respect for their sovereignty;
>
> "2. *Believes* that the international community should continue to give serious consideration to ways in which the United Nations can respond to the needs of Member States as they seek to promote and strengthen their electoral institutions and procedures;
>
> "3. *Requests* the Secretary-General to seek the views of Member States, specialized agencies, other competent bodies of the United Nations system and those with specific expertise in this area concerning suitable approaches that will permit the Organization to respond to the requests of Member States for electoral assistance;
>
> "4. *Requests* the Secretary-General to report his findings to the General Assembly at its forty-sixth session, together with an account of United Nations experience in election monitoring, within existing resources;
>
> "5. *Decides* to include in the provisional agenda of its forty-sixth session the item entitled 'Enhancing the effectiveness of the principle of periodic and genuine elections'."

5. At the 55th meeting, the representative of Cuba, on behalf of Cuba and the United Republic of Tanzania, joined by Lesotho, Zambia and Zimbabwe, introduced amendments to the draft resolution, which were contained in document A/C.3/45/L.96 and read as follows:

> "1. Replace the second to fifth preambular paragraphs by the following:
>
> > '*Reaffirming* the Universal Declaration of Human Rights,[3] which provides that everyone has the right to take part in the government of his or her country, directly or through freely chosen representatives, that everyone has the right of equal access to public service in his or her country, that the will of the people shall be the basis of the authority of government, and that this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures,
> >
> > '*Noting* that the International Covenant on Civil and Political Rights[8] provides that every citizen shall have the right and the opportunity, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, to take part in the conduct of public affairs, directly or through freely chosen representatives, to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors, and to have access, on general terms of equality, to public service in his or her country,
> >
> > '*Condemning* the system of *apartheid* and any other denial or abridgement of the right to vote on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,
> >
> > '*Considering* that the tricameral parliament established under the system of *apartheid* is a gross violation of the principle of universal and equal suffrage and has been overwhelmingly rejected by the international community,
> >
> > '*Recalling* that all States enjoy sovereign equality and that each State has the right freely to choose and develop its political, social, economic and cultural systems,
> >
> > '*Recognizing* that there is no single political system or electoral method that is equally suited to all nations and their people,
> >
> > '*Recalling* its resolutions 32/157 of 8 December 1988 and 44/146 of 15 December 1989,";
>
> "2. Replace paragraphs 1 to 4 by the following:
>
> > '1. *Underscores* the significance of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, which establish that the authority to govern shall be based on the will of the people, as expressed in periodic and genuine elections;
> >
> > '2. *Stresses its conviction* that periodic and genuine elections are a necessary and indispensable element of sustained efforts to protect the rights and interests of the governed and that, as a matter of practical experience,

the right of everyone to take part in the government of his or her country is a crucial factor in the effective enjoyment by all of a wide range of other human rights and fundamental freedoms, embracing political, economic, social and cultural rights;

'3. *Declares* that determining the will of the people requires an electoral process that provides an equal opportunity for all citizens to become candidates and put forward their political views, individually and in co-operation with others within the constitution and national legislation;

'4. *Recognizes* that the efforts of the international community to enhance the effectiveness of the principle of periodic and genuine elections should not call into question each State's sovereign right freely to choose and develop its political, social, economic and cultural systems, whether or not they conform to the preferences of other States;

'5. *Underscores* the duty of each member of the international community to respect the decisions taken by other States in freely choosing and developing their electoral institutions;

'6. *Reaffirms* that *apartheid* must be abolished, that the systematic denial or abridgement of the right to vote on the grounds of race or colour is a gross violation of human rights and an affront to the conscience and dignity of mankind, and that the right to participate in a political system based on common and equal citizenship and universal franchise is essential for the exercise of the principle of periodic and genuine elections;

'7. *Rejects* the tricameral parliament established under the system of *apartheid* as an abhorrent expression of a fundamentally oppressive and flagrantly inhuman political system;

'8. *Calls upon* the Commission on Human Rights, at its forty-seventh session, to continue its consideration of appropriate ways and means of enhancing the effectiveness of the principle of periodic and genuine elections, in the context of full respect for the sovereignty of Member States, and to report to the General Assembly at its forty-sixth session, through the Economic and Social Council;''

''3. Renumber former paragraph 5 as paragraph 9.''

6. At the 59th meeting, the representative of the United States of America introduced amendments (A/C.3/45/L.99) to the amendments proposed in document A/C.3/45/L.96, by which,

(*a*) The following preambular paragraph would be inserted between the seventh and eighth preambular paragraphs proposed in paragraph 1 of document A/C.3/45/L.96:

''*Taking note* of the Secretary-General's observations concerning United Nations support for elections in Member States, as presented in his report on the work of the Organization (A/45/1),'';

(*b*) The words ''as well as Commission on Human Rights resolution 1989/51 of 7 March 1989'' would be added at the end of the last preambular paragraph proposed in paragraph 1 of document A/C.3/45/L.96;

(*c*) The words ''Replace paragraphs 1 to 4 by the following'' in paragraph 2 of document A/C.3/45/L.96, would be replaced by the words ''Insert the following paragraphs'';

(*d*) The words ''within the constitution and national legislation'' in the new paragraph 3 proposed in paragraph 2 of document A/C.3/45/L.96, would be replaced by the words '', as provided in the national constitutions and laws''

(*e*) Paragraph 8 proposed in paragraph 2 of document A/C.3/45/L.96 would be deleted;

(*f*) The words ''Renumber former paragraph 5 as paragraph 9'', in paragraph 3 of document A/C.3/45/L.96, would be replaced by the words ''Renumber former paragraphs 1 to 5 as paragraphs 8 to 12'', and in the new paragraph 9 (para. 2 of draft resolution A/C.3/45/L.56), the word ''needs'' would be replaced by the word ''requests''.

7. At the 61st meeting, before action was taken on draft resolution A/C.3/45/L.56 and the amendments thereto (A/C.3/45/L.96) and the amendments (A/C.3/45/L.99) to document A/C.3/45/L.96, statements in explanation of vote before the vote were made by the representatives of Colombia, Italy, Poland, Peru, Ecuador, China, Mexico, the Union of Soviet Socialist Republics, Cuba, Zimbabwe and Germany.

8. The Committee then took action on the proposals as follows:

(*a*) The amendments in document A/C.3/45/L.99 were adopted by a recorded vote of 82 to 18, with 18 abstentions. The voting was as follows:

In favour: Afghanistan, Algeria, Argentina, Australia, Austria, Bahamas, Bangladesh, Barbados, Belgium, Bolivia, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Canada, Cape Verde, Chile, Congo, Costa Rica, Côte d'Ivoire, Czechoslovakia, Denmark, Dominican Republic, Egypt, El Salvador, Fiji, Finland, France, Germany, Greece, Guatemala, Haiti, Honduras, Hungary, Iceland, Indonesia, Ireland, Israel, Italy, Jamaica, Japan, Kuwait, Liechtenstein, Luxembourg, Malaysia, Maldives, Malta, Mauritania, Morocco, Netherlands, New Zealand, Nicaragua, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Philippines, Poland, Portugal, Qatar, Romania, Samoa, Senegal, Sierra Leone,[25] Singapore, Spain, Sri Lanka, Suriname, Sweden, Thailand, Trinidad and Tobago, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Yugoslavia, Zaire.

Against: Angola, Burkina Faso, Burundi, China, Cuba, Ghana, Iran (Islamic Republic of), Lesotho, Mali, Mongolia, Myanmar, Nigeria, Sudan, Swaziland, Uganda, United Republic of Tanzania, Zambia, Zimbabwe.

Abstaining: Bhutan, Cameroon, Colombia, Cyprus, Ecuador, Ethiopia, Gabon, India, Iraq, Jordan, Kenya, Lebanon,[25] Liberia, Mexico, Niger, Peru, Viet Nam, Yemen.

(*b*) The amendments in document A/C.3/45/L.96, as amended, were adopted by a recorded vote of 120 to none, with 9 abstentions. Statements were made before the vote by the representatives of Cuba and the United Kingdom of Great Britain and Northern Ireland. The voting was as follows:

In favour: Afghanistan, Algeria, Angola, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados,

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[25] The delegation of Lebanon subsequently informed the Committee that it had intended to vote in favour of the amendments; and the delegation of Sierra Leone that it had intended to abstain in the vote on the amendments.

Belgium, Benin, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Canada, Cape Verde, Chile, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Denmark, Djibouti, Dominican Republic, Egypt, El Salvador, Ethiopia, Fiji, Finland, France, Germany, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Haiti, Honduras, Hungary, Iceland, Indonesia, Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kenya, Kuwait, Lebanon, Lesotho, Liechtenstein, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mongolia, Morocco, Myanmar, Namibia, Netherlands, New Zealand, Nicaragua, Niger, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Venezuela, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: None.

Abstaining: China, Colombia, Ecuador, Gabon, India, Liberia, Mexico, Nigeria, Peru.

9. The Committee then took action on draft resolution A/C.3/45/L.56, as amended, as follows:

(*a*) In a separate recorded vote, the new eighth preambular paragraph was adopted by 96 votes to 11, with 12 abstentions;

In favour: Afghanistan, Algeria, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Benin, Bolivia, Botswana, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Canada, Cape Verde, Chile, Costa Rica, Côte d'Ivoire, Cyprus, Czechoslovakia, Denmark, Dominican Republic, Egypt, El Salvador, Ethiopia, Fiji, Finland, France, Germany, Greece, Guatemala, Guinea, Haiti, Honduras, Hungary, Iceland, Indonesia, Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kuwait, Lebanon, Lesotho, Liechtenstein, Luxembourg, Malaysia, Maldives, Malta, Mauritania, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Philippines, Poland, Portugal, Qatar, Romania, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Spain, Sri Lanka, Sudan, Suriname, Sweden, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Yemen, Yugoslavia, Zaire.

Against: Angola, Burkina Faso, China, Congo, Cuba, Mali, Myanmar, Uganda, United Republic of Tanzania, Zambia, Zimbabwe.

Abstaining: Cameroon, Colombia, Ecuador, Gabon, Ghana, India, Mexico, Mongolia, Niger, Nigeria, Peru, Swaziland.

(*b*) In a separate recorded vote, new paragraph 10 (para. 3 of draft resolution A/C.3/45/L.56), was adopted by 85 votes to 12, with 15 abstentions. The voting was as follows:

In favour: Afghanistan, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Benin, Bolivia, Botswana, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Canada, Cape Verde, Chile, Costa Rica, Cyprus, Czechoslovakia, Denmark, Dominican Republic, El Salvador, Fiji, Finland, France, Germany, Greece, Guatemala, Guinea, Haiti, Honduras, Hungary, Iceland, Indonesia, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kuwait, Lesotho, Liechtenstein, Luxembourg, Malaysia, Maldives, Malta, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Philippines, Poland, Portugal, Qatar, Romania, Samoa, Senegal, Sierra Leone, Singapore, Spain, Sri Lanka, Suriname, Sweden, Thailand, Trinidad and Tobago, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Yugoslavia, Zaire.

Against: Angola, Burkina Faso, China, Colombia, Congo, Cuba, Iran (Islamic Republic of), Mali, Myanmar, United Republic of Tanzania, Zambia, Zimbabwe.

Abstaining: Algeria, Cameroon, Ecuador, Ethiopia, Gabon, Ghana, India, Mexico, Mongolia, Niger, Nigeria, Peru, Sudan, Swaziland, Uganda.

(*c*) In a separate vote, new paragraph 11 (para. 4 of draft resolution A/C.3/45/L.56) was adopted by 88 votes to 12, with 14 abstentions. The voting was as follows:

In favour: Afghanistan, Algeria, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Benin, Bolivia, Botswana, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Canada, Cape Verde, Chile, Congo, Costa Rica, Cyprus, Czechoslovakia, Denmark, Dominican Republic, El Salvador, Fiji, Finland, France, Germany, Greece, Guatemala, Guinea, Haiti, Honduras, Hungary, Iceland, Indonesia, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kuwait, Lesotho, Liechtenstein, Luxembourg, Malaysia, Maldives, Malta, Mauritania, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Philippines, Poland, Portugal, Qatar, Romania, Samoa, Senegal, Singapore, Spain, Sri Lanka, Suriname, Sweden, Thailand, Trinidad and Tobago, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Yemen, Yugoslavia, Zaire.

Against: Angola, Burkina Faso, China, Colombia, Cuba, Iran (Islamic Republic of), Mali, Myanmar, Sudan, United Republic of Tanzania, Zambia, Zimbabwe.

Abstaining: Cameroon, Ecuador, Ethiopia, Gabon, Ghana, India, Iraq, Mexico, Mongolia, Niger, Nigeria, Peru, Swaziland, Uganda.

(*d*) Draft resolution A/C.3/45/L.56 as a whole, as amended, was adopted by a recorded vote of 106 to 9, with 12 abstentions (see para. 21 below, draft resolution I). The voting was as follows:

In favour: Afghanistan, Algeria, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Benin, Bolivia, Botswana, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Canada, Cape Verde, Chile, Costa Rica, Côte d'Ivoire, Cyprus, Czechoslovakia, Denmark, Dominican Republic, Egypt, El Salvador, Ethiopia, Fiji, Finland, France, Germany, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, Indonesia, Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kuwait, Lebanon, Lesotho, Liechtenstein, Luxembourg, Malawi, Malaysia, Maldives, Malta, Morocco, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Philippines, Poland, Portugal, Qatar, Romania, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Venezuela, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Angola, Burkina Faso, China, Cuba, Iran (Islamic Republic of), Mali, Mauritania[26], Mongolia, Myanmar.

Abstaining: Burundi, Cameroon, Colombia, Congo,[26] Ecuador, Gabon, Ghana, India, Mexico, Niger, Peru, Uganda.

10. At the 62nd meeting, statements in explanation of vote after the vote on draft resolution A/C.3/45/L.56 as a whole, as amended, were made by the representatives of India, Panama, Nicaragua, Pakistan, Bolivia and Brazil.

11. At the same meeting, with respect to voting on the amendments contained in documents A/C.3/45/L.99 and A/C.3/45/L.96 as amended, the Chairman informed the Committee that votes were cast on behalf of a Member State that had been included by the Secretary-General in the list of those Member States which were in arrears in accordance with Article 19 of the Charter of the United Nations in the payment of their financial contributions to the Organization (see A/45/515 and Add.1-3). Such Member States had, pursuant to Article 19, no vote in the General Assembly. Accordingly, the votes cast by the Member State concerned should not have been recorded. The Chairman further stated that the technical error did not affect the results of the votes which remained valid and stood as announced.

Draft resolution A/C.3/45/L.58

12. At the 49th meeting, the representative of Sweden, on behalf of Australia, Austria, Belgium, Canada, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Luxembourg, the Netherlands, Norway, Poland, Portugal, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland, introduced a draft resolution (A/C.3/45/L.58) entitled "Respect for the will of the people of Myanmar". Subsequently, Panama joined in sponsoring the draft resolution which read as follows:

> "*The General Assembly,*
>
> "*Guided* by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights[3] and the International Covenants on Human Rights,[8]
>
> "*Reaffirming* that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in this field,
>
> "*Noting* that the Universal Declaration of Human Rights provides that everyone has the right to take part in the government of his or her country, directly or through freely chosen representatives, that the will of the people shall be the basis of the authority of government and that this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures,
>
> "*Noting also* that elections were held on 27 May 1990 in Myanmar,
>
> "*Regretting* that the new national assembly reflecting the results of these elections has not been convened and that a number of politically active persons have been detained,
>
> "1. *Expresses its concern* that the will of the people of Myanmar, as manifested in the elections held on 27 May 1990, has not been implemented;
>
> "2. *Stresses its conviction* in this context that all citizens detained with respect to their political activities ought to be released immediately and restored to the full enjoyment of their right to participate in the government of their country;
>
> "3. *Requests* the Secretary-General to report to the General Assembly at its forty-sixth session on the implementation of the present resolution in all its aspects."

13. At the 57th meeting, after a statement by the representative of Myanmar, the representative of Japan orally proposed that the draft resolution should be deferred for consideration by the General Assembly at its forty-sixth session.

14. At the same meeting, the Committee adopted the proposal made by the representative of Japan (see para. 22 below).

15. After the adoption of the draft decision, the representative of Sweden made a statement.

Draft resolution A/C.3/45/L.59

16. At the 49th meeting, the representative of Cuba, on behalf of Afghanistan, China, Cuba, the Libyan Arab Jamahiriya, the United Republic of Tanzania, Yemen, Zambia and Zimbabwe introduced a draft resolution (A/C.3/45/L.59) entitled "Respect for the principles of national sovereignty and non-interference in the internal affairs of States in their electoral processes". Subsequently, Angola joined in sponsoring the draft resolution.

17. At the 62nd meeting, the representative of Cuba orally revised the draft resolution by adding a final preambular paragraph to read as follows:

> "*Recalling* its resolution 44/147 of 15 December 1989,".

18. At the same meeting, statements before the vote were made by the representatives of Italy (on behalf of the 12 States members of the European Community) and Panama.

19. Also at the same meeting, the Committee adopted the draft resolution, as orally revised, by a recorded vote of 94 votes to 32, with 7 abstentions (see para. 21 below, draft resolution II). The voting was as follows:

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[26] The delegations of the Congo and Mauritania subsequently informed the Committee that they had intended to vote in favour of the draft resolution.

In favour: Afghanistan, Albania, Algeria, Angola, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, Cape Verde, Central African Republic, Chile, China, Colombia, Congo, Côte d'Ivoire, Cuba, Dominican Republic, Ecuador, Egypt, Ethiopia, Fiji, Ghana, Guinea, Guinea-Bissau, Guyana, Haiti, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

Against: Australia, Austria, Belgium, Bulgaria, Canada, Czechoslovakia, Denmark, Finland, France, Germany, Greece, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Liechtenstein, Luxembourg, Netherlands, New Zealand, Norway, Panama, Poland, Portugal, Romania, Spain, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Byelorussian Soviet Socialist Republic, Cyprus, El Salvador, Malta, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Zaire.

20. After the adoption of the draft resolution, the representative of El Salvador made a statement.

Recommendations of the Third Committee

21. The Third Committee recommends to the General Assembly the adoption of draft resolutions I and II below:

Draft resolution I

ENHANCING THE EFFECTIVENESS OF THE PRINCIPLE OF PERIODIC AND GENUINE ELECTIONS

The General Assembly,

Aware of its obligations under the Charter of the United Nations to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples and to promote and encourage respect for human rights and fundamental freedoms for all,

Reaffirming the Universal Declaration of Human Rights,[3] which provides that everyone has the right to take part in the government of his or her country, directly or through freely chosen representatives, that everyone has the right of equal access to public service in his or her country, that the will of the people shall be the basis of the authority of government, and that this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures,

Noting that the International Covenant on Civil and Political Rights[8] provides that every citizen shall have the right and the opportunity, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, to take part in the conduct of public affairs, directly or through freely chosen representatives, to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors, and to have access, on general terms of equality, to public service in his or her country,

Condemning the system of *apartheid* and any other denial or abridgement of the right to vote on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Considering that the tricameral parliament established under the system of *apartheid* is a gross violation of the principle of universal and equal suffrage and has been overwhelmingly rejected by the international community,

Recalling that all States enjoy sovereign equality and that each State has the right freely to choose and develop its political, social, economic and cultural systems,

Recognizing that there is no single political system or electoral method that is equally suited to all nations and their people,

Taking note of the Secretary-General's observations concerning United Nations support for elections in Member States, as presented in his report on the work of the Organization (A/45/1, sect. II),

Recalling its resolutions 43/157 of 8 December 1988 and 44/146 of 15 December 1989, as well as Commission on Human Rights resolution 1989/51 of 7 March 1989,[27]

1. *Underscores* the significance of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, which establish that the authority to govern shall be based on the will of the people, as expressed in periodic and genuine elections;

2. *Stresses its conviction* that periodic and genuine elections are a necessary and indispensable element of sustained efforts to protect the rights and interests of the governed and that, as a matter of practical experience, the right of everyone to take part in the government of his or her country is a crucial factor in the effective enjoyment by all of a wide range of other human rights and fundamental freedoms, embracing political, economic, social and cultural rights;

3. *Declares* that determining the will of the people requires an electoral process that provides an equal opportunity for all citizens to become candidates and put forward their political views, individually and in co-operation with others, as provided in national constitutions and laws;

4. *Recognizes* that the efforts of the international community to enhance the effectiveness of the principle of periodic and genuine elections should not call into question each State's sovereign right freely to choose and develop its political, social, economic and cultural systems, whether or not they conform to the preferences of other States;

5. *Underscores* the duty of each member of the international community to respect the decisions taken by other States in freely choosing and developing their electoral institutions;

6. *Reaffirms* that *apartheid* must be abolished, that the systematic denial or abridgement of the right to vote on the grounds of race or colour is a gross violation of human rights and an affront to the conscience and dignity of mankind, and that the right to participate in a political system based on

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[27] See *Official Records of the Economic and Social Council, 1989, Supplement No. 2* (E/1989/20), chap. II, sect. A.

common and equal citizenship and universal franchise is essential for the exercise of the principle of periodic and genuine elections;

7. *Rejects* the tricameral parliament established under the system of *apartheid* as an abhorrent expression of a fundamentally oppressive and flagrantly inhuman political system;

8. *Affirms* the value of the electoral assistance that the United Nations has provided at the request of Member States, in the context of full respect for their sovereignty;

9. *Believes* that the international community should continue to give serious consideration to ways in which the United Nations can respond to the requests of Member States as they seek to promote and strengthen their electoral institutions and procedures;

10. *Requests* the Secretary-General to seek the views of Member States, specialized agencies, other competent bodies of the United Nations system and those with specific expertise in this area concerning suitable approaches that will permit the Organization to respond to the requests of Member States for electoral assistance;

11. *Also requests* the Secretary-General to report his findings to the General Assembly at its forty-sixth session, together with an account of United Nations experience in election monitoring, within existing resources;

12. *Decides* to include in the provisional agenda of its forty-sixth session the item entitled "Enhancing the effectiveness of the principle of periodic and genuine elections".

Draft resolution II

RESPECT FOR THE PRINCIPLES OF NATIONAL SOVEREIGNTY AND NON-INTERFERENCE IN THE INTERNAL AFFAIRS OF STATES IN THEIR ELECTORAL PROCESSES

The General Assembly,

Reaffirming the purposes of the United Nations to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples and to take other appropriate measures to strengthen universal peace,

Recalling its resolution 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Also recalling its resolution 2625 (XXV) of 24 October 1970, by which it approved the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations,

Further recalling the principle enshrined in Article 2, paragraph 7, of the Charter of the United Nations, which establishes that nothing contained in the Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any State or shall require the Members to submit such matters to settlement under the Charter,

Reaffirming the legitimacy of the struggle of the oppressed people of South Africa for the elimination of *apartheid* and for the establishment of a society in which all the people of South Africa as a whole, irrespective of race, colour or creed, will enjoy equal and full political and other rights and participate freely in the determination of their destiny,

Also reaffirming the legitimacy of the struggle of all peoples under colonial and foreign domination, particularly the Palestinian people, for the exercise of their inalienable right to self-determination and national independence, which will enable them to decide freely on their own future,

Recognizing that the principles of national sovereignty and non-interference in the internal affairs of any State should be respected in the holding of elections,

Also recognizing that there is no single political system or single model for electoral processes equally suited to all nations and their peoples, and that political systems and electoral processes are subject to historical, political, cultural and religious factors,

Recalling its resolution 44/147 of 15 December 1989,

1. *Reiterates* that, by virtue of the principle of equal rights and self-determination of peoples enshrined in the Charter of the United Nations, all peoples have the right, freely and without external interference, to determine their political status and to pursue their economic, social and cultural development, and that every State has the duty to respect that right in accordance with the provisions of the Charter;

2. *Affirms* that it is the concern solely of peoples to determine methods and to establish institutions regarding the electoral process, as well as to determine the ways for its implementation according to their constitutional and national legislation;

3. *Also affirms* that any extraneous activities that attempt, directly or indirectly, to interfere in the free development of national electoral processes, in particular in the developing countries, or that intend to sway the results of such processes, violate the spirit and letter of the principles established in the Charter and in the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations;

4. *Urges* all States to respect the principle of non-interference in the internal affairs of States and the sovereign right of peoples to determine their political, economic and social system;

5. *Strongly appeals* to all States to abstain from financing or providing, directly or indirectly, any other form of overt or covert support for political parties or groups and from taking actions to undermine the electoral processes in any country;

6. *Condemns* any act of armed aggression or threat or use of force against peoples, their elected Governments or their legitimate leaders;

7. *Solemnly declares* that only the total eradication of *apartheid* and the establishment of a non-racial, democratic society based on majority rule, through the full and free exercise of adult suffrage by all the people in a united and non-fragmented South Africa, can lead to a just and lasting solution to the explosive situation in South Africa;

8. *Reaffirms* the legitimacy of the struggle of all peoples under colonial and foreign domination, particularly the Palestinian people, for the exercise of their inalienable right to self-determination and national independence, which will enable them to determine their political, economic and social system, without external interference;

9. *Calls upon* the Commission on Human Rights, at its forty-seventh session, to give priority to the review of the fundamental factors that negatively affect the observance of the principle of national sovereignty and non-interference in the internal affairs of States in their electoral processes and to report to the General Assembly at its forty-sixth session, through the Economic and Social Council;

10. *Requests* the Secretary-General to report to the General Assembly at its forty-sixth session on the implementation of the present resolution under the item entitled "Enhancing the effectiveness of the principle of periodic and genuine elections".

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22. The Third Committee also recommends to the General Assembly the adoption of the following draft decision:

RESPECT FOR THE WILL OF THE PEOPLE OF MYANMAR

The General Assembly decides to defer until its forty-sixth session consideration of draft resolution A/C.3/45/L.58 entitled "Respect for the will of the people of Myanmar".

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 68th plenary meeting, on 14 December 1990, the General Assembly took action on the draft resolutions submitted by the Third Committee in its reports on agenda items 89, 93, 97, 105, 106 and 109.

The draft resolution submitted in the report on agenda item 89 (A/45/745, para. 9) was adopted without a vote. For the final text, see resolution 45/85.[28]

Draft resolutions I to IV submitted in the report on agenda item 93 (A/45/749, para. 19) were adopted without a vote. For the final texts, see resolutions 45/92 to 45/95.[28]

The draft resolution submitted in the report on agenda item 97 (A/45/753, para. 7) was adopted without a vote. For the final text, see resolution 45/104.[28]

The draft resolution submitted in the report on agenda item 105 (A/45/761, para. 8) was adopted without a vote. For the final text, see resolution 45/135.[28]

The draft resolution submitted in the report on agenda item 106 (A/45/762, para. 7) was adopted without a vote. For the final text, see resolution 45/136.[28]

Draft resolutions I to III submitted in the report on agenda item 109 (A/45/765, para. 12) were adopted without a vote. For the final texts, see resolutions 45/142 to 45/144.[28]

At its 69th plenary meeting, on 18 December 1990, the General Assembly took action on draft resolutions I and II and the draft decision submitted by the Third Committee in its report on agenda item 110 (A/45/766, paras. 21 and 22). Draft resolution I was adopted by 129 votes to 8, with 9 abstentions,* draft resolution II was adopted by 111 votes to 29, with 11 abstentions,* and the draft decision was adopted without a vote. For the final texts, see resolutions 45/150 and 45/151 and decision 45/432.[28]

LIST OF OTHER DOCUMENTS PERTAINING TO THE ITEMS

Symbol	Title or description	Agenda item	Observations and references
A/45/1	Report of the Secretary-General on the work of the Organization	110	*Official Records of the General Assembly, Forty-fifth Session, Supplement No. 1*
A/45/3 and Add.1 and 2	Report of the Economic and Social Council for the year 1990 (chap. 5, sect. A)	89, 93 105	*Ibid., Supplement No. 3*
A/45/40	Report of the Human Rights Committee	105	*Ibid., Supplement No. 40*
A/45/44 and Corr.1	Report of the Committee against Torture	109	*Ibid., Supplement No. 44* and corrigendum
A/45/61	Letter dated 19 December 1989 from the representative of Hungary to the Secretary-General	105, 106	
A/45/63	Letter dated 21 December 1989 from the representative of Czechoslovakia to the Secretary-General	89, 105	
A/45/65-S/21052	Letter dated 22 December 1989 from the representative of Czechoslovakia to the Secretary-General	89	See *Official Records of the Security Council, Forty-fourth Year, Supplement for October, November and December 1989*, document S/21052

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* Recorded vote.

[28] See *Official Records of the General Assembly, Forty-fifth Session, Supplement No. 49.*

Symbol	*Title or description*	*Agenda item*	*Observations and references*
A/45/66	Letter dated 22 December 1989 from the representative of the Union of Soviet Socialist Republics to the Secretary-General	105	
A/45/68	*Idem*	105	
A/45/69-S/21057	Letter dated 25 December 1989 from the representative of the Union of Soviet Socialist Republics to the Secretary-General	105	*Ibid.*, document S/21057
A/45/70	Letter dated 27 December 1989 from the representative of Bulgaria to the Secretary-General	105	
A/45/96-S/21124	Letter dated 1 February 1990 from the representative of Nicaragua to the Secretary-General	110	*Ibid., Forty-fifth Year, Supplement for January, February and March 1990*, document S/21124
A/45/174	Letter dated 20 March 1990 from the representative of Hungary to the Secretary-General	105	
A/45/178	Letter dated 23 March 1990 from the representative of Hungary to the Secretary-General	105	
A/45/189-S/21225	Letter dated 2 April 1990 from the representative of Israel to the Secretary-General	109	*Ibid., Supplement for April, May and June 1990*, document S/21225
A/45/202-S/21230	Letter dated 4 April 1990 from the representative of Israel to the Secretary-General	97, 110	
A//45/203-S/21231	Letter dated 5 April 1990 from the representative of Israel to the Secretary-General	110	
A/45/205-S/21236	Letter dated 6 April 1990 from the representative of Israel to the Secretary-General	89, 106, 109, 110	
A/45/207-S/21238	Letter dated 9 April 1990 from the representative of Israel to the Secretary-General	89, 109, 110	
A/45/216-S/21248	Letter dated 12 April 1990 from the representative of Israel to the Secretary-General	89, 109	
A/45/221-S/21254	Letter dated 13 April 1990 from the representative of Israel to the Secretary-General	89, 106, 110	
A/45/222-S/21255	Letter dated 18 April 1990 from the representative of Israel to the Secretary-General	89, 97, 106, 109	
A/45/225-S/21256	Letter dated 19 April 1990 from the representative of Israel to the Secretary-General	106, 109, 110	
A/45/227-S/21260	Letter dated 20 April 1990 from the representative of Israel to the Secretary-General	89, 109, 110	
A/45/230-S/21268	Letter dated 23 April 1990 from the representative of Israel to the Secretary-General	89, 109, 110	
A/45/254-S/21271	Letter dated 24 April 1990 from the representative of Israel to the Secretary-General	109, 110	
A/45/264-S/21283	Letter dated 1 May 1990 from the representative of Israel to the Secretary-General	89, 109, 110	
A/45/265-S/21284	Letter dated 2 May 1990 from the representative of Israel to the Secretary-General	89, 97, 106, 110	
A/45/266-S/21285	Letter dated 3 May 1990 from the representative of Israel to the Secretary-General	89, 109, 110	
A/45/267-S/21287	Letter dated 4 May 1990 from the representative of Israel to the Secretary-General	89, 110	
A/45/269-S/21288	Letter dated 7 May 1990 from the representative of Israel to the Secretary-General	89, 97, 110	
A/45/270-S/21290	Letter dated 8 May 1990 from the representative of Israel to the Secretary-General	89, 106, 110	
A/45/272-S/21293	Letter dated 9 May 1990 from the representative of Israel to the Secretary-General	89, 110	
A/45/280 and Corr.1	Letter dated 16 May 1990 from the representative of Iraq to the Secretary-General	89, 109, 110	
A/45/403	Status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols to the International Covenant on Civil and Political Rights: report of the Secretary-General	105	
A/45/405	Status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment: report of the Secretary-General	109	
A/45/473	Status of the Convention on the Rights of the Child: report of the Secretary-General	97	
A/45/580	Guidelines for the regulation of computerized personal data files: note by the Secretary-General transmitting the guidelines	93	
A/45/593	Note by the Secretariat	89	

Symbol	Title or description	Agenda item	Observations and references
A/45/597	Letter dated 8 October 1990 from the Ministers for Foreign Affairs of Hungary and the Ukrainian Soviet Socialist Republic to the Secretary-General	105	
A/45/598-S/21854	Letter dated 3 October 1990 from the Minister for Foreign Affairs of the Union of Soviet Socialist Republics and the Secretary of State of the United States of America to the Secretary-General transmitting the text of the joint American-Soviet statement entitled "Responsibility for Peace and Security in the Changing World"	89, 105, 110	
A/45/615	Torture and inhuman treatment of children in detention in South Africa: report of the Secretary-General	109	
A/45/626-S/21869	Letter dated 10 October 1990 from the head of the delegation of the Union of Soviet Socialist Republics to the forty-fifth session of the General Assembly to the Secretary-General transmitting the text of a memorandum entitled "The United Nations in the post-confrontation world"	110	*Ibid., Supplement for October, November and December 1990*, document S/21869
A/45/633	United Nations Voluntary Fund for Victims of Torture: report of the Secretary-General	109	
A/45/636	Note by the Secretary-General	89	
A/45/657	Letter dated 19 October 1990 from the representatives of Poland and the Ukrainian Soviet Socialist Republic to the Secretary-General	105	
A/45/675	Letter dated 26 October 1990 from the representative of Venezuela to the Secretary-General transmitting the text of documents issued by the Presidents of the States members of the Rio Group at the Fourth Summit Meeting of the Permanent Mechanism for Consultation and Concerted Political Action, held at Caracas on 11 and 12 October 1990	97	
A/45/707	Report of the Secretary-General	89	
A/45/930	Letter dated 15 January 1991 from the representative of Luxembourg to the Secretary-General	110	
A/C.3/45/L.47	Draft resolution	93	See A/45/749, paras. 5 and 19, draft resolution I
A/C.3/45/L.48	*Idem*	93	*Ibid.*, paras. 7 and 19, draft resolution II
A/C.3/45/L.49	*Idem*	109	See A/45/765, paras. 5 and 12, draft resolution I
A/C.3/45/L.50	*Idem*	89	See A/45/745, paras. 5 to 7 and 9
A/C.3/45/L.51	*Idem*	97	See A/45/753, paras. 5 and 7
A/C.3/45/L.52	*Idem*	109	See A/45/765, paras. 7 and 12, draft resolution II
A/C.3/45/L.53	*Idem*	105	See A/45/761, paras. 5 and 8
A/C.3/45/L.54	*Idem*	109	See A/45/765, paras. 9 and 12, draft resolution III
A/C.3/45/L.55	*Idem*	106	See A/45/762, paras. 5 and 7
A/C.3/45/L.56	*Idem*	110	See A/45/766, paras. 4 to 6 and 21, draft resolution I
A/C.3/45/L.57	*Idem*	93	See A/45/749, para. 9
A/C.3/45/L.57/Rev.1	Revised draft resolution	93	*Ibid.*, paras. 9 to 11, 13 and 19, draft resolution III
A/C.3/45/L.58	Draft resolution	110	See A/45/766, para. 12
A/C.3/45/L.59	*Idem*	110	*Ibid.*, paras. 16, 17 and 21, draft resolution II
A/C.3/45/L.66	*Idem*	93	See A/45/749, paras. 16 and 19, draft resolution IV
A/C.3/45/L.96	Amendments to document A/C.3/45/L.56	110	See A/45/766, para. 5
A/C.3/45/L.99	Amendments to document A/C.3/45/L.96	110	*Ibid.*, para. 6
E/1990/23 and Corr.1	Report of the Committee on Economic, Social and Cultural Rights on its fourth session (15 January-2 February 1990)	105	See *Official Records of the Economic and Social Council, 1990, Supplement No. 3* and corrigendum

United Nations

GENERAL ASSEMBLY

Official Records

Agenda items 90, 92, 96, 99 and 104*

ANNEXES

FORTY-FIFTH SESSION

NEW YORK, 1990/1991

Agenda item 90: World social situation

Agenda item 92: Implementation of the World Programme of Action concerning Disabled Persons and the United Nations Decade of Disabled Persons

Agenda item 96: Policies and programmes involving youth

Agenda item 99: Question of aging

Agenda item 104: International Year of the Family

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DOCUMENT A/45/746

Report of the Third Committee on agenda item 90

[*Original: English*]
[*21 November 1990*]

1. At its 3rd plenary meeting, on 21 September 1990, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its forty-fifth session, as item 90, the item entitled "World social situation", and to allocate it to the Third Committee for consideration and report.

2. The Third Committee considered the item jointly with items 92, 96, 99 and 104 at its 11th to 17th, 25th and 37th meetings, held between 17 October and 9 November 1990. An account of the Committee's discussion is contained in the summary records of the meetings (A/C.3/45/SR.11-17, 25 and 37).

3. For its consideration of the item, the Committee had before it the report of the Secretary-General containing the supplement to the *1989 Report on the World Social Situation* (A/45/137-E/1990/35).

4. At the 11th meeting, the Director-General of the United Nations Office at Vienna and the Director of the Social Development Division of the Centre for Social Development and Humanitarian Affairs of the Secretariat made introductory statements.

5. At the same meeting, the Special Representative of the Secretary-General for the Promotion of the United Nations Decade of Disabled Persons made a statement.

Consideration of proposals

Draft resolution A/C.3/45/L.16

6. At the 25th meeting, the representative of the Ukrainian Soviet Socialist Republic, also on behalf of the Byelorussian Soviet Socialist Republic and Ecuador, introduced a draft resolution (A/C.3/45/L.16) entitled "Achievement of social justice".

7. At its 37th meeting, the Committee adopted the draft resolution without a vote (see para. 14 below, draft resolution I).

Draft resolution A/C.3/45/L.18 and Rev.1

8. At the 25th meeting, the representative of Bolivia, on behalf of the Member States that are members of the Group of 77, introduced a draft resolution (A/C.3/45/L.18) entitled "World social situation". The draft resolution read as follows:

> "*The General Assembly,*
>
> [*Text of the first, second and fourth to tenth preambular paragraphs and paragraphs 1 to 3 identical to the corresponding paragraphs of draft resolution II in paragraph 14 below.*]
>
> "*Conscious* that each country has the sovereign right freely to adopt the economic and social system that it deems the most appropriate and that each Government has

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* For the records of the relevant meetings, see *Official Records of the General Assembly, Forty-fifth Session, Third Committee*, 11th to 17th, 25th and 37th meetings, and corrigendum; and *ibid., Plenary Meetings*, 68th meeting. For the prior consideration of the questions dealt with under these items, see *Official Records of the General Assembly, Forty-fourth Session, Annexes*, agenda items 90 to 93, 97, 99, 101, 102 and 113.

the primary role of ensuring the social progress and well-being of the people,

"4. *Notes with deep concern* the continuing deterioration of the economic and social situation in many developing countries, in particular in the least developed countries, whose numbers have increased over the years, as well as in the low-income countries;

"5. *Notes also with deep concern* the substantial weakening of the position of the developing countries in international trade and finance, which has been made worse by sharp fluctuations in exchange rates, high real rates of interest, a long-term downward trend in commodity prices, a serious deterioration in the terms of trade of developing countries, increased protectionist pressures, the net transfer of resources from developing countries, and the serious debt burden;

"6. *Reaffirms* the principles and objectives of the Declaration on Social Progress and Development[1] and calls for their effective realization as a means of attaining a more equitable world social situation;

"7. *Calls upon* all Member States to promote economic development and social progress by the formulation and implementation of an interrelated set of policy measures to achieve the goals and objectives established within the framework of national plans and priorities for employment, education, health, nutrition, housing facilities, crime prevention, the well-being of children, equal opportunities for the disabled and the aging, full participation of youth in the development process and full integration and participation of women in development;

"8. *Requests* the Secretary-General to continue monitoring the world social situation in depth on a regular basis and, in accordance with paragraph 10 of General Assembly resolution 44/56, to submit an interim report to the General Assembly at its forty-sixth session, through the Commission of Social Development and the Economic and Social Council, and a full report in 1993;

"9. *Reaffirms* the request of the Economic and Social Council, in paragraph 2 of its resolution 1990/28, for the Secretary-General to take into account, in preparing the interim report, paragraph 4 of Council resolution 1989/72;

"10. *Also reaffirms* the request made in paragraph 3 of Council resolution 1989/72 regarding a report by the Secretary-General to the General Assembly at its forty-sixth session, through the Economic and Social Council, on the work being done within the United Nations system to improve and further develop quantitative and qualitative indicators that measure accurately the social condition and the standard of living of the world's population, particularly in developing countries;

"11. *Requests* the Secretary-General to make the necessary arrangements to ensure a wider dissemination of reports on the world social situation;

"12. *Invites* the organs, organizations and bodies of the United Nations system to co-operate fully with the Secretary-General in the preparation of future reports by making available all relevant information pertaining to their respective areas of competence and, in this connection, requests the Secretary-General to convene an Inter-Agency Meeting before the preparation of the report;

"13. *Decides* to include the item entitled 'World social situation' in the provisional agenda of its forty-sixth session for the purpose of considering, *inter alia*, the interim report and the report mentioned on paragraph 10 above, and in the provisional agenda of its forty-eighth session for the purpose of considering the next full report in 1993."

9. At the 37th meeting, the Secretary of the Committee made a statement in the course of which she corrected a revised version (A/C.3/45/L.18/Rev.1) of the draft resolution, circulated on 2 November 1990, by deleting at the end of paragraph 4, the phrase ", as well as in the low income countries".

10. At the same meeting, the representative of Bolivia, on behalf of the Member States that are members of the Group of 77, introduced revised draft resolution A/C.3/45/L.18/Rev.1.

11. Before the Committee took action on the revised draft resolution, the representative of the United States of America made a statement.

12. Also at the same meeting, the Committee adopted the revised draft resolution by a recorded vote of 112 to 1, with 4 abstentions (see para. 14 below, draft resolution II). The voting was as follows:[2]

In favour: Afghanistan, Albania, Algeria, Argentina, Australia, Austria, Bahrain, Bangladesh, Barbados, Belgium, Belize, Bolivia, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Canada, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Finland, France, Ghana, Greece, Guinea, Guyana, Haiti, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Jordan, Kenya, Kuwait, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Luxembourg, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mexico, Mongolia, Morocco, Myanmar, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Saudi Arabia, Sierra Leone, Singapore, Somalia, Spain, Sudan, Suriname, Swaziland, Sweden, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Venezuela, Viet Nam, Yemen, Yugoslavia, Zimbabwe.

Against: United States of America.

Abstaining: Germany, Israel, Japan, United Kingdom of Great Britain and Northern Ireland.

13. After the adoption of the draft resolution, the representatives of Germany, the United Kingdom of Great Britain and Northern Ireland and Japan made statements.

Recommendation of the Third Committee

14. The Third Committee recommends to the General Assembly the adoption of draft resolutions I and II below:

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[1] Resolution 2542 (XXIV).

[2] The delegations of Angola, the Bahamas, Benin, Botswana, the Central African Republic, Guinea-Bissau, Madagascar, Mozambique, Namibia, Uruguay, Zaire and Zambia subsequently informed the Committee that they had intended to vote in favour of the draft resolution.

Draft resolution I

Achievement of social justice

The General Assembly,

Recalling its resolutions 42/49 of 30 November 1987 and 44/55 of 8 December 1989, as well as Economic and Social Council resolutions 1988/46 of 27 May 1988 and 1989/71 of 24 May 1989, and taking note of Council resolution 1990/25 of 24 May 1990,

Recalling also the pledge made by States Members of the United Nations in the Charter to take joint and separate action to promote higher standards of living, full employment and conditions of economic and social progress and development,

Recognizing that more extensive international and regional co-operation is important for promoting social progress at the national level,

Bearing in mind that, in accordance with the Declaration on Social Progress and Development,[1] social progress and development shall be founded on respect for the dignity and value of the human person and shall ensure the promotion of human rights and social justice,

Mindful of the Guiding Principles for Developmental Social Welfare Policies and Programmes in the Near Future,[3] the Nairobi Forward-looking Strategies for the Advancement of Women,[4] the World Programme of Action concerning Disabled Persons[5] and the Internatioanl Plan of Action on Aging,[6]

Persuaded of the importance of taking measures to ensure co-ordination within the United Nations system in order to develop a comprehensive approach to developmental social welfare, including better integrated and mutually supportive economic and social development policies, aimed at the achievement of social justice,

1. *Confirms* that social justice is one of the most important goals of social progress;

2. *Reaffirms* that the common purpose of the international community must be to forge from varied economic, social and political conditions a global environment of sustained development, full enjoyment of human rights and fundamental freedoms, and social justice and peace;

3. *Reaffirms* the importance of co-operation among countries in promoting a climate conducive to the achievement by individual countries of the goals of development and social justice and progress;

4. *Considers* that such co-operation and its promotion should continue to be a major focus of activities of the United Nations, in accordance with the principles of the Charter of the United Nations;

5. *Calls upon* Member States, in elaborating policies in the field of social development and for the improvement of the social situation of all population groups, to take into consideration the importance of achieving social justice for all;

6. *Recommends* that the Secretary-General, in preparing studies and reports on social problems, should examine the question of social justice and ways in which it could be achieved;

7. *Requests* the Commission for Social Development, at its next regular session, to consider the question of achieving social justice.

Draft resolution II

World social situation

The General Assembly,

Recalling its resolutions 1392 (XIV) of 20 November 1959, 2542 (XXIV) of 11 December 1969, 40/98 and 40/100 of 13 December 1985, 42/49 of 30 November 1987, 43/113 of 8 December 1988 and 44/56 of 8 December 1989 and Economic and Social Council resolutions 1987/39, 1987/40, 1987/46 and 1987/52 of 28 May 1987, 1989/72 of 24 May 1989 and Council decision 1989/113 of 28 July 1989, and taking note of Council resolution 1990/28 of 24 May 1990,

Bearing in mind the objective of improving the well-being of the world's population on the basis of the full and equal participation of all members of society in the process of development and the fair distribution to them of the benefits therefrom,

Conscious that each country has the sovereign right freely to adopt the economic and social system that it deems the most appropriate and that each Government has the primary responsibility of ensuring the social progress and well-being of the people,

Convinced of the urgent need to eradicate policies and practices that hinder social progress, including racism and racial discrimination, in particular *apartheid*,

Convinced also that the pace of development in the developing countries should be accelerated substantially in order to enable them to achieve that objective, especially to meet the basic needs for food, housing, education, employment and health care and to struggle against scourges which endanger the health and well-being of their population,

Deeply concerned about the worsening economic situation in many developing countries, particularly in the least developed countries, as evidenced by the significant decline in living conditions, the persistence and increase of widespread poverty in a large number of countries and the decline of the main social and economic indicators of those countries,

Bearing in mind the importance of the *1989 Report on the World Social Situation*[7] for increasing awareness of the advances made towards the goals of social progress and better standards of living, established in the Charter of the United Nations, and of the obstacles to further progress,

Believing that there is a need for greater efforts by the United Nations system to study and disseminate data on the existing world social situation, particularly in regard to the developing countries,

Taking note of the deliberations on the question of the world social situation by the Economic and Social Council at its first regular session of 1990 (see A/45/3 and Add.1 and 2),

Having considered the supplement (A/45/137-E/1990/35) to the *1989 Report on the World Social Situation*,

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[3] E/CONF.80/10, chap. III.

[4] *Report of the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace, Nairobi, 15-26 July 1985* (United Nations publication, Sales No. E.85.IV.10), chap. I, sect. A.

[5] A/37/351/Add.1 and Corr.1, annex, sect. VIII, recommendation 1 (IV).

[6] See *Report of the World Assembly on Aging, Vienna, 26 July–6 August 1982* (United Nations publication, Sales No. E.82.I.16), chap. VI, sect. A.

[7] United Nations publication, Sales No. E.89.IV.1.

1. *Notes with satisfaction* that the supplement to the *1989 Report on the World Social Situation* takes into account the concerns and guidelines specified in General Assembly resolution 44/56 and Economic and Social Council resolution 1989/72;

2. *Recalls* the *1989 Report on the World Social Situation*, in particular the information on the critical situation in Africa contained in the annex to the report;

3. *Notes with satisfaction* the increasing awareness of the importance of formulating policy measures at all levels based on the interrelationships between economic growth, human development and social progress in the achievement of overall development;

4. *Notes with deep concern* the continuing deterioration of the economic and social situation in many developing countries, in particular in the least developed countries, whose numbers have increased over the years;

5. *Notes also with deep concern* the substantial weakening of the overall position of the developing countries in international trade and finance, which has been made worse by a long-term downward trend in commodity prices, a serious deterioration in the terms of trade, the net transfer of resources from developing countries, protectionism and the serious debt burden, combined with high real interest rates;

6. *Reaffirms* the commitments and policies for international development co-operation as set out in the Declaration on International Economic Co-operation, in particular the Revitalization of Economic Growth and Development of the Developing Countries,[8] adopted by the General Assembly at its eighteenth special session;

7. *Reaffirms also* the principles and objectives of the Declaration on Social Progress and Development[1] and calls for their effective realization as a means of attaining a more equitable world social situation;

8. *Calls upon* all Member States to promote economic development and social progress by the formulation and implementation of an interrelated set of policy measures to achieve the goals and objectives established within the framework of national plans and priorities for employment, education, health, nutrition, housing facilities, crime prevention, the well-being of children, equal opportunities for the disabled and the aging, full participation of youth in the development process and full integration and participation of women in development;

9. *Requests* the Secretary-General to continue monitoring the world social situation in depth on a regular basis and, in accordance with paragraph 10 of resolution 44/56, to submit an interim report to the General Assembly at its forty-sixth session, through the Commission of Social Development and the Economic and Social Council, and a full report in 1993;

10. *Endorses* the request of the Economic and Social Council, in paragraph 2 of its resolution 1990/28, that the Secretary-General take into account, in preparing the interim report, paragraph 4 of Council resolution 1989/72;

11. *Also endorses* the request made in paragraph 3 of Council resolution 1989/72 regarding the submission of a report by the Secretary-General to the General Assembly at its forty-sixth session, through the Economic and Social Council, on the work being done within the United Nations system to improve and further develop quantitative and qualitative indicators that measure accurately the social condition and the standard of living of the world's population, particularly in developing countries;

12. *Requests* the Secretary-General to make the necessary arrangements to ensure the wider dissemination of reports on the world social situation;

13. *Invites* the organs, organizations and bodies of the United Nations system to co-operate fully with the Secretary-General in the preparation of future reports by making available all relevant information pertaining to their respective areas of competence and, in this connection, requests the Secretary-General to convene an inter-agency meeting before the preparation of the report;

14. *Decides* to include the item entitled "World social situation" in the provisional agenda of its forty-sixth session for the purpose of considering, *inter alia*, the interim report and the report mentioned in paragraph 11 above, and in the provisional agenda of its forty-eighth session for the purpose of considering the next full report in 1993.

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[8] Resolution S-18/3, annex.

DOCUMENT A/45/748

Report of the Third Committee on agenda item 92

[Original: English]
[21 November 1990]

1. At its 3rd plenary meeting, on 21 September 1990, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its forty-fifth session, as item 92, the item entitled "Implementation of the World Programme of Action concerning Disabled Persons and the United Nations Decade of Disabled Persons", and to allocate it to the Third Committee for consideration and report.

2. The Third Committee considered the item jointly with items 90, 96, 99 and 104 at its 11th to 17th, 25th and 37th meetings, held between 17 October and 9 November 1990. An account of the Committee's discussion is contained in the summary records of the meetings (A/C.3/45/SR.11-17, 25 and 37).

3. For its consideration of the item, the Committee had before it the following documents:

[*See the list of documents at the end of the present fascicle.*]

4. At the 11th meeting, the Director-General of the United Nations Office at Vienna and the Director of the Social Development Division of the Centre for Social Development and Humanitarian Affairs of the Secretariat made introductory statements.

5. At the same meeting the Special Representative of the Secretary-General for the Promotion of the United Nations Decade of Disabled Persons made a statement.

6. At the 25th meeting, the representative of the Philippines introduced a draft resolution (A/C.3/45/L.17)

sponsored by Austria, Bangladesh, Belgium, Cameroon, Canada, Chile, China, Colombia, Costa Rica, Denmark, the Dominican Republic, Ecuador, Egypt, El Salvador, France, Finland, Germany, Greece, Guatemala, Iceland, Indonesia, Italy, Jamaica, Kenya, the Libyan Arab Jamahiriya, Mauritania, Morocco, Myanmar, Norway, Peru, the Philippines, Poland, Romania, Saudi Arabia, Spain, Sweden, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Yugoslavia and Zimbabwe. Subsequently, Samoa, Somalia, Turkey and Zaire joined in sponsoring the draft resolution.

7. At its 37th meeting, the Committee adopted the draft resolution (see para. 8 below).

Recommendation of the Third Committee

8. The Third Committee recommends to the General Assembly the adoption of the following draft resolution:

IMPLEMENTATION OF THE WORLD PROGRAMME OF ACTION CONCERNING DISABLED PERSONS AND THE UNITED NATIONS DECADE OF DISABLED PERSONS

The General Assembly,

Recalling all its relevant resolutions, including resolution 37/52 of 3 December 1982, by which it adopted the World Programme of Action concerning Disabled Persons,[5] and resolution 37/53 of 3 December 1982, in which, *inter alia*, it proclaimed the period 1983-1992 the United Nations Decade of Disabled Persons as a long-term plan of action,

Recalling also its resolution 43/98 of 8 December 1988, in which it urged Member States, intergovernmental and non-governmental organizations concerned to translate into action at all levels, as appropriate, the priorities for global activities and programmes during the second half of the Decade, such as those set forth in the annex to the resolution,

Recalling further the request to the Secretary-General made in its resolution 43/98 to conduct a feasibility study on the substantive, financial and administrative implications of alternative ways to mark the end of the Decade in 1992, which would include a review of the global progress achieved and obstacles encountered during the Decade and which would provide a mechanism for preparing the actions needed until the year 2000 and beyond,

Recalling Economic and Social Council resolution 1989/52 of 24 May 1989, in particular paragraph 9, in which the Council invited the Secretary-General, in connection with the preparation of the feasibility study, to convene an expert meeting in 1990 to advise on the best possible ways of marking the end of the Decade,

Having considered with interest and appreciation the report of the Secretary-General on the feasibility study on alternative ways to mark the end of the Decade (A/45/470), which was based on the outcome of a meeting of experts held at Järvenpää, Finland, from 7 to 11 May 1990, at the generous invitation and with the financial support of the Government of Finland,

Taking note of the suggestion contained in the report of the Secretary-General to consider the proposal for a ministerial-level world conference to mark the end of the Decade (*ibid.*, sect. II, para. 14),

Bearing in mind Economic and Social Council resolution 1990/26 of 24 May 1990 on the equalization of opportunities for disabled persons, in which the Council authorized the Commission for Social Development to consider, at its thirty-second session, the establishment of an *ad hoc* open-ended working group of government experts, funded by voluntary contributions, to elaborate standard rules on the equalization of opportunities for disabled children, youth and adults,

Noting with satisfaction that the 1980s, during which the International Year of Disabled Persons and the Decade were observed, were a period of world-wide sensitization and awareness-raising efforts with respect to the rights and needs of disabled persons,

Convinced of the need to transform this awareness into action,

Noting with concern the deteriorating economic and social situation of some developing countries, which adversely affects vulnerable groups, including disabled persons,

Aware of the need for new and concerted efforts, more vigorous and broader action, and measures at all levels to fulfil the objectives of the Decade,

Expressing its appreciation for the efforts of a number of Member States during the Decade to improve the conditions and well-being of disabled persons and the willingness of those States to involve disabled persons and their organizations in all matters of concern to them,

Aware of the problem arising in some countries in relation to the translation of the terms "impairment", "disability", "handicap" and "disabled person" used in the World Programme of Action,

Noting with gratitude the generous support to the Voluntary Fund for the United Nations Decade of Disabled Persons provided by some Governments through voluntary contributions,

Aware of the important role national committees are playing in furthering the implementation of the World Programme of Action,

Encouraged by the emergence of organizations of disabled persons in some parts of the world and their positive influence on the image and condition of persons with disabilities,

Recognizing the World Congress of Rehabilitation International, the World Congress of Disabled Peoples' International, the General Assembly of the World Blind Union, Independence '92 and other such important events to be held in 1992 as important activities helping to mark the end of the Decade,

Noting the important contribution being made by other non-governmental organizations in improving the status of persons with disabilities,

Desirous of encouraging the continued and practical implementation of the World Programme of Action beyond the Decade,

1. *Stresses* the need to achieve the objectives set out in the agenda for action until the end of the United Nations Decade of Disabled Persons and beyond (*ibid.*, sect. III) and the preliminary outline of a long-term strategy to the year 2000 and beyond: a society for all (*ibid.*, sect. IV) as contained in the report of the Secretary-General on the feasibility study on alternative ways to mark the end of the Decade;

2. *Invites* Member States, specialized agencies and other organizations and bodies of the United Nations system,

intergovernmental and non-governmental organizations to implement the agenda for action and the preliminary outline and to use them as guidelines and stimuli in preparing:

(*a*) National, regional and international agendas for action aimed at mounting well-focused activities at all levels to benefit people with disabilities in ways that are in conformity with the culture, customs, traditions, level of socio-economic development and resource constraints of each country;

(*b*) Long-term strategic plans with precise targets to be reached in the field of prevention, rehabilitation and equality of opportunities by the year 2000;

3. *Affirms* that, in implementing the agenda for action, special attention should be given to the disabled in developing countries;

4. *Requests* the Secretary-General to shift the focus of the United Nations programme on disability from awareness-raising to action, with the aim of achieving a society for all by the year 2010 and of responding more appropriately to the many requests for assistance and advisory services;

5. *Stresses* the need for priority to be given, within existing resources, to action-oriented programmes that will renew international consensus on and elicit a sustained political commitment by Member States to the implementation of the World Programme of Action beyond the Decade and will ensure the continued improvement of the situation of disabled persons;

6. *Requests* the Secretary-General to assist Member States in establishing and strengthening national committees on disability issues and similar co-ordinating bodies and to promote and support the establishment of effective national organizations of disabled persons, including umbrella organizations;

7. *Also requests* the Secretary-General to review the translation into the official languages of the United Nations of the terms "impairment", "disability", "handicap" and "disabled person" used in the World Programme of Action;

8. *Emphasizes* the need to identify specific measures to strengthen the Disabled Persons Unit of the Centre for Social Development and Humanitarian Affairs of the Secretariat, within existing resources, in order to enable it to implement the objectives of the Decade;

9. *Welcomes* the support already provided by some Governments to the Voluntary Fund for the United Nations Decade of Disabled Persons and appeals for further voluntary contributions in order to strengthen the Disabled Persons Unit and to enable it to perform its focal-point functions;

10. *Reaffirms* that the resources of the Voluntary Fund should be used to support catalytic and innovative activities in order to implement further the objectives of the World Programme of Action within the framework of the Decade, with priority given, as appropriate, to programmes and projects of the least developed countries;

11. *Invites* Governments and non-governmental organizations to continue their contributions to the Voluntary Fund, and calls upon Governments and non-governmental organizations that have not yet done so to consider contributing to the Voluntary Fund so as to enable it to respond effectively to the growing demand for assistance;

12. *Also invites* Member States to submit updated national reports to the Secretary-General on the implementation of the agenda for action;

13. *Requests* the Secretary-General to report to the General Assembly at its forty-sixth session on the implementation of the present resolution;

14. *Decides* to include in the provisional agenda of its forty-sixth session the item entitled "Implementation of the World Programme of Action concerning Disabled Persons and the United Nations Decade of Disabled Persons".

DOCUMENT A/45/752

Report of the Third Committee on agenda item 96

[*Original: English*]
[*21 November 1990*]

1. At its 3rd plenary meeting, on 21 September 1990, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its forty-fifth session, as item 96, the item entitled "Policies and programmes involving youth", and to allocate it to the Third Committee for consideration and report.

2. The Third Committee considered the item jointly with items 90, 92, 99 and 104 at its 11th to 17th, 25th and 37th meetings, held between 17 October and 9 November 1990. An account of the Committee's discussion is contained in the summary records of the meetings (A/C.3/45/SR.11-17, 25 and 37).

3. For its consideration of the item, the Committee had before it the following documents:

[*See the list of documents at the end of the present fascicle.*]

4. At the 11th meeting, the Director-General of the United Nations Office at Vienna and the Director of the Social Development Division of the Centre for Social Development and Humanitarian Affairs of the Secretariat made introductory statements.

5. At the 25th meeting, the representative of Austria, also on behalf of Czechoslovakia, Egypt, the Netherlands and Romania, introduced a draft resolution (A/C.3/45/L.13).

6. At its 37th meeting, the Committee adopted the draft resolution (see para. 7 below).

Recommendation of the Third Committee

7. The Third Committee recommends to the General Assembly the adoption of the following draft resolution:

POLICIES AND PROGRAMMES INVOLVING YOUTH

The General Assembly,

Recalling its resolutions 32/135 of 16 December 1977 and 36/17 of 9 November 1981, by which it adopted guidelines for the improvement of the channels of communication between the United Nations and youth and youth organizations, and its other relevant resolutions,

Recalling also its resolution 40/14 entitled "International Youth Year: Participation, Development, Peace", adopted on 18 November 1985 by the General Assembly acting as the United Nations World Conference for the International Youth Year, by which the guidelines for further planning and suitable follow-up in the field of youth[9] were endorsed, and its other relevant resolutions,

Recalling further its resolution 44/59 of 8 December 1989,

Noting that the year 1995 will mark the fiftieth anniversary of the Charter of the United Nations and the tenth anniversary of International Youth Year,

Recognizing that, in implementing the guidelines, priority should be given to the enjoyment by youth of human rights, including the right to education and to work, and to the resolution of other urgent problems faced by young people in the present-day world, such as hunger, drug abuse, diseases, including acquired immunodeficiency syndrome, and the deterioration of the environment,

Mindful of the Convention on the Rights of the Child,[10] which entered into force on 2 September 1990, the World Declaration on the Survival, Protection and Development of Children and the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s, adopted by the World Summit for Children on 30 September 1990 (A/45/625, annex), and the International Year of the Family proclaimed by the General Assembly in its resolution 44/82 of 8 December 1989,

1. *Calls upon* all States, all United Nations bodies, in particular the Economic and Social Council through the Commission for Social Development, the specialized agencies and the intergovernmental and non-governmental organizations concerned, in particular youth organizations, to continue to exert all possible efforts for the implementation of the guidelines for further planning and suitable follow-up in the field of youth;

2. *Requests* the Secretary-General to continue to promote and monitor, by using the Centre for Social Development and Humanitarian Affairs of the Secretariat as a focal point, the inclusion of youth-related projects and activities in the programmes of United Nations bodies and specialized agencies, specifically on such themes as communication, health, malnutrition, poverty, housing, culture, youth employment, illiteracy, juvenile delinquency, education, leisure-time activities, drug abuse and the environment;

3. *Calls upon* Member States to enable young people to obtain a modern education on such subjects as environmental issues;

4. *Decides* to devote a plenary meeting at its fiftieth session to youth questions, as 1995 marks the fiftieth anniversary of the Charter of the United Nations and the tenth anniversary of International Youth Year;

5. *Calls upon* the United Nations Postal Administration to produce commemorative United Nations stamps in 1995 to mark the tenth anniversary of International Youth Year;

6. *Emphasizes* the need for a review and appraisal of the progress achieved and obstacles encountered in the implementation of the guidelines and, on the basis of the evaluation, for preparation of a global youth programme of action towards the year 2000 and beyond, with a target orientation and within a specific time-frame;

7. *Invites* all Member States to consider preparing a national plan of action based on an analytical national evaluation of the situation and needs of youth;

8. *Calls again upon* Member States, United Nations bodies, the specialized agencies and other governmental and intergovernmental organizations to implement fully the guidelines for the improvement of the channels of communication between the United Nations and youth and youth organizations, adopted by the General Assembly in its resolutions 32/135 and 36/17;

9. *Requests* the regional commissions, as appropriate, together with regional youth and youth-serving organizations, to undertake a comprehensive review of progress achieved and obstacles encountered in the regions since 1985 and to propose draft regional youth programmes of action towards the year 2000 and beyond;

10. *Requests* the Secretary-General to prepare a draft world youth programme of action towards the year 2000 and beyond in accordance with proposals to be submitted by Member States, the United Nations and non-governmental youth organizations and in consultation with the specialized agencies and other organizations of the United Nations system and the relevant intergovernmental and non-governmental organizations, and to report thereon to the General Assembly at its forty-sixth session;

11. *Calls upon* youth mechanisms that have been set up by youth and youth organizations at the national, regional and international levels to continue to act as channels of communication between the United Nations system and youth and youth organizations and, especially, to contribute to the preparations for the tenth anniversary of International Youth Year and to the formulation of a world youth programme of action towards the year 2000 and beyond;

12. *Again invites* Governments to include youth representatives in their national delegations to the General Assembly and other relevant United Nations meetings, thus enhancing and strengthening the channels of communication through the discussion of youth-related issues, with a view to finding solutions to the problems confronting youth in the contemporary world;

13. *Invites* Governments and intergovernmental and non-governmental organizations to contribute to the United Nations Youth Fund, in order to enable it to continue its mandated role and to contribute effectively to the needs of developing countries in the field of youth;

14. *Decides* to consider the item entitled "Policies and programmes involving youth" at its forty-sixth session on the basis of a report of the Secretary-General on the implementation of the present resolution.

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[9] See A/40/256, annex.

[10] Resolution 44/25, annex.

DOCUMENT A/45/755

Report of the Third Committee on agenda item 99

[*Original: English*]
[*21 November 1990*]

1. At its 3rd plenary meeting, on 21 September 1990, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its forty-fifth session, as item 99, the item entitled "Question of aging", and to allocate it to the Third Committee for consideration and report.

2. The Third Committee considered the item jointly with items 90, 92, 96 and 104 at its 11th to 17th, 25th and 37th meetings, held between 17 October and 9 November 1990. An account of the Committee's discussion is contained in the summary records of the meetings (A/C.3/45/SR.11-17, 25 and 37).

3. For its consideration of the item, the Committee had before it the following documents:

[*See the list of documents at the end of the present fascicle.*]

4. At the 11th meeting, the Director-General of the United Nations Office at Vienna and the Director of the Social Development Division of the Centre for Social Development and Humanitarian Affairs of the Secretariat made introductory statements.

5. At the 25th meeting, the representative of the Dominican Republic, also on behalf of Austria and Malta, introduced a draft resolution (A/C.3/45/L.12), entitled "Implementation of the International Plan of Action on Aging and related activities", which read as follows:

"*The General Assembly*,

"*Recalling* its resolutions 44/67 and 44/76 of 8 December 1989 and reaffirming all of their relevant provisions, particularly those which endorsed the priorities set and the recommendations made by the Economic and Social Council in its resolution 1989/50 of 24 May 1989,

"*Noting* that the Economic and Social Council recommended in its resolution 1989/50 the convening of an *ad hoc* working group of the Commission for Social Development at the Commission's thirty-second session to monitor preparatory activities for the tenth anniversary of the adoption of the International Plan of Action on Aging,[6]

"*Noting with concern* that, although in its resolution 43/93 of 8 December 1988 it recommended that aging should be considered a priority theme for the international development strategy for the fourth United Nations development decade and the medium-term plan for the period 1992-1997, the resources assigned to subprogramme 7 (Aging) of section 8 (Activities on global social development issues) in the programme budget for the biennium 1990-1991[11] for the Centre for Social Development and Humanitarian Affairs of the Secretariat, are not sufficient to implement the programme adequately and to give it the priority recommended,

"*Also noting with concern* that the contributions to the United Nations Trust Fund for Aging have steadily declined since 1982, thereby reducing its resource base, and that unless this trend is reversed and the Fund strengthened, many priority requests will not be met and the implementation of the Plan of Action will be weakened where it is most needed, in developing countries,

"*Recognizing* that the elderly are an asset to society and can contribute significantly to the development process,

"*Mindful* of the need for innovative and effective international co-operation in the field of aging, including the transfer of know-how and financial support, if countries are to achieve self-reliance in responding to the aging of their populations,

"*Recognizing* the complexity and rapidity of the aging of the world's population and the need to have a common basis and frame of reference for the protection and promotion of the rights of the elderly, including the contribution that the elderly can and should make to society,

"*Having considered* the report of the Secretary-General on the question of aging (A/45/420),

"1. *Takes note* of the report of the Secretary-General on the question of aging;

"2. *Endorses* the action programme on aging for 1992 and beyond outlined in the report of the Secretary-General;

"3. *Urges* Member States and intergovernmental and non-governmental organizations concerned to participate in the action programme on aging for 1992 and beyond, especially in selecting targets on aging, in organizing community-wide activities and in launching an information and fund-raising campaign to celebrate the tenth anniversary of the adoption of the International Plan of Action on Aging at the local, national and global levels;

"4. *Endorses* the request of the Economic and Social Council to convene an *ad hoc* working group at the Commission for Social Development at the Commission's thirty-second session in 1991 to monitor preparations for the tenth anniversary, especially the launching of a global information campaign, and the selection of targets that might form the basis of the third review and appraisal of the Plan of Action to be made by the Commission at its thirty-third session, in 1993;

"5. *Invites* Member States, the United Nations and non-governmental organizations to consider innovative and effective ways of co-operating on the selection of targets in the field of aging during 1991 and 1992;

"6. *Recommends* that consideration be given to the desirability of convening, subject to the availability of funds, regional and sectoral meetings on the selection of targets on aging during 1991 and 1992 and global consultations in 1993 and 1997, to coincide with the third and fourth quadrennial reviews and appraisals of the implementation of the Plan of Action;

"7. *Notes with appreciation* the work of recent *ad hoc* inter-agency meetings on aging, and recommends that inter-agency meetings on aging be convened biennially;

"8. *Welcomes with appreciation* the rapid progress made by the international Institute on Aging, in Malta, in establishing, in close collaboration and co-operation with the United Nations system, as well as with governmental and non-governmental institutions and organizations, programmes that promote in a practical manner the implementation of the Plan of Action, particularly through curriculum development, training courses, a global survey on training and the establishment of an information network, and requests the Secretary-General, in reporting on the question of aging to the General Assembly at its forty-sixth session, to inform the Assembly of the activities of the Institute;

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[11] See *Official Records of the General Assembly, Forty-fourth Session, Supplement No. 6* (A/44/6/Rev.1), vol. I.

"9. *Takes note with satisfaction* of the plans for the establishment of training institutes on aging in Argentina, Yugoslavia and in Central America and the Caribbean;

"10. *Welcomes* global fund-raising initiatives for aging, particularly the proposed establishment in 1991 of an independent foundation on aging under the patronage of the United Nations, to be called the Banyan Foundation, the main goal of which will be to empower the elderly in all world regions to maintain maximum independence and the ability to contribute to society in the context of the Plan of Action, thus serving as a much-needed international fund-raising vehicle for programmes for the aging worldwide;

"11. *Requests* the Commission on the Status of Women to consider under the priority theme 'development' of its 1992 agenda the positive contributions and specific roles of elderly women in the development of their societies;

"12. *Notes with appreciation* the support given by the United Nations Population Fund to the Aging Unit in the Centre for Social Development and Humanitarian Affairs of the Secretariat, and urges the Fund to maintain this commitment;

"13. *Notes with satisfaction* the close collaboration of the Centre for Social Development and Humanitarian Affairs, as the United Nations focal point on aging, with intergovernmental and non-governmental organizations active in the field of aging, and encourages the Centre to continue to strengthen this collaboration;

"14. *Calls upon* Member States, national committees, the United Nations system, non-governmental organizations and all other organizations dealing with the question of aging to assist in a global information and fund-raising campaign for the celebration of the tenth anniversary of the adoption of the Plan of Action;

"15. *Designates* 1 October as the International Day for the Elderly;

"16. *Urges* Governments and non-governmental organizations to contribute to the Trust Fund for Aging;

"17. *Also urges* Governments and non-governmental organizations to contribute human and financial resources through the Centre for Social Development and Humanitarian Affairs for the co-ordination and implementation of the action programme on aging for 1992 and beyond;

"18. *Urges* the Secretary-General to increase the human and financial resources of the Aging Unit of the Centre for Social Development and Humanitarian Affairs to enable it to fulfil its mandate as the United Nations focal point on aging;

"19. *Requests* the Secretary-General to report to the General Assembly at its forty-sixth session on the implementation of the present resolution;

"20. *Decides* to include in the provisional agenda of its forty-sixth session the item entitled 'Question of aging'."

6. At the same meeting, the representative of the Dominican Republic orally revised the draft resolution as follows:

(*a*) The third preambular paragraph was replaced by the following text:

"*Noting with concern* that, although in its resolution 43/93 of 8 December 1988 it recommended that aging should be considered a priority theme in the medium-term plan for the period 1992-1997, the resources assigned to subprogramme 7 (Aging) of section 8 (Activities on global social development issues) in the programme budget for the biennium 1990-1991[11] for the Centre for Social Development and Humanitarian Affairs of the Secretariat are not sufficient to implement the programme adequately and to give it the priority recommended,";

(*b*) In the sixth preambular paragraph, after the words "co-operation in the field of aging" the phrase ", including the transfer of know-how and financial support," was deleted;

(*c*) In paragraph 3, after the words "*Urges* Member States" the words "the organs, organizations and bodies of the United Nations system" were inserted and after the word "national", the word ", regional" was inserted;

(*d*) In paragraph 6, after the words "*Recommends* that" the phrase "consideration be given" was replaced by the phrase "the Commission for Social Development give consideration";

(*e*) In paragraph 7, the word "the" was inserted after the words "the work of";

(*f*) In paragraph 11, the words "of its 1992 agenda" were deleted after the word "development";

(*g*) Paragraph 14 was deleted and the subsequent paragraphs were renumbered;

(*h*) In former paragraph 18, the word "increase", after the words "*Urges* the Secretary-General to", was replaced by the words "consider increasing".

7. The draft resolution as orally revised was subsequently issued as document A/C.3/45/L.12/Rev.1.

8. At the 37th meeting, the representative of the Dominican Republic, on behalf of the sponsors, introduced a further revised version (A/C.3/45/L.12/Rev.2) of the draft resolution.

9. At the same meeting, the Committee adopted revised draft resolution A/C.3/45/L.12/Rev.2 (see para. 11 below).

10. After the adoption of the draft resolution, the representative of Germany made a statement.

Recommendation of the Third Committee

11. The Third Committee recommends to the General Assembly the adoption of the following draft resolution:

IMPLEMENTATION OF THE INTERNATIONAL PLAN OF ACTION ON AGING AND RELATED ACTIVITIES

The General Assembly,

Recalling its resolutions 44/67 and 44/76 of 8 December 1989 and reaffirming all of their relevant provisions, particularly those which endorsed the priorities set and the recommendations made by the Economic and Social Council in its resolution 1989/50 of 24 May 1989,

Noting that the Economic and Social Council recommended in its resolution 1989/50 the convening of an *ad hoc* working group of the Commission for Social Development at the Commission's thirty-second session to monitor preparatory activities for the tenth anniversary of the adoption of the International Plan of Action on Aging,[6]

Noting with concern that, although in its resolution 43/93 of 8 December 1988 it recommended that aging should be considered a priority theme in the medium-term plan for the period 1992-1997, the resources assigned to subprogramme 7 (Aging) of section 8 (Activities on global social development issues) in the programme budget for the biennium 1990-1991[11] for the Centre for Social Development and Humanitarian Affairs of the Secretariat are not sufficient to implement the programme adequately and to give it the priority recommended,

Also noting with concern that the contributions to the United Nations Trust Fund for Aging have steadily declined since 1982, thereby reducing its resource base, and that unless this trend is reversed and the Fund strengthened, many priority requests will not be met and the implementation of the Plan of Action will be weakened where it is most needed, in developing countries,

Recognizing that the elderly are an asset to society and can contribute significantly to the development process,

Mindful of the need for innovative and effective international co-operation in the field of aging if countries are to achieve self-reliance in responding to the aging of their populations,

Recognizing also the complexity and rapidity of the aging of the world's population and the need to have a common basis and frame of reference for the protection and promotion of the rights of the elderly, including the contribution that the elderly can and should make to society,

Recalling the establishment at Dakar in 1989 of the African Society of Gerontology,

Having considered the report of the Secretary-General on the question of aging (A/45/420),

1. *Takes note* of the report of the Secretary-General on the question of aging;

2. *Endorses* the action programme on aging for 1992 and beyond as outlined in the report of the Secretary-General;

3. *Urges* Member States, the organs, organizations and bodies of the United Nations system and intergovernmental and non-governmental organizations concerned to participate in the action programme on aging for 1992 and beyond, especially in selecting targets in the field of aging, in organizing community-wide activities and in launching an information and fund-raising campaign to celebrate the tenth anniversary of the adoption of the International Plan of Action on Aging at the local, national, regional and global levels;

4. *Endorses* the recommendation of the Economic and Social Council in its resolution 1989/50 that an *ad hoc* working group of the Commission for Social Development be convened at the Commission's thirty-second session, in 1991, to monitor the activities for the tenth anniversary, especially the launching of a global information campaign, and the selection of targets that might form the basis of the third review and appraisal of the Plan of Action to be made by the Commission at its thirty-third session, in 1993;

5. *Invites* Member States, the United Nations and non-governmental organizations to consider innovative and effective ways of co-operating on the selection of targets in the field of aging during 1991 and 1992;

6. *Recommends* that the Commission for Social Development give consideration to the desirability of convening, subject to the availability of funds, regional and sectoral meetings on the selection of targets in the field of aging during 1991 and 1992 and global consultations in 1993 and 1997, to coincide with the third and fourth quadrennial reviews and appraisals of the implementation of the Plan of Action;

7. *Notes with appreciation* the work of the recent *ad hoc* inter-agency meetings on aging and recommends that inter-agency meetings on aging be convened biennially;

8. *Welcomes with appreciation* the rapid progress made by the International Institute on Aging, in Malta, in establishing, in close collaboration and co-operation with the United Nations system, as well as with governmental and non-governmental institutions and organizations, programmes that promote in a practical manner the implementation of the Plan of Action, particularly through curriculum development, training courses, a global survey on training and the establishment of an information network, and requests the Secretary-General, in reporting on the question of aging to the General Assembly at its forty-sixth session, to inform the Assembly of the activities of the Institute;

9. *Takes note with satisfaction* of the plans for the establishment of training institutes on aging in Argentina and Yugoslavia and in Central America and the Caribbean;

10. *Requests* the Centre for Social Development and Humanitarian Affairs of the Secretariat to provide, within existing resources, technical assistance to the African Society of Gerontology;

11. *Welcomes* global fund-raising initiatives for activities in the field of aging, particularly the proposed establishment in 1991 of an independent foundation on aging under the patronage of the United Nations, to be called the Banyan Foundation, the main goal of which will be to empower the elderly in all world regions to maintain maximum independence and the ability to contribute to society in the context of the Plan of Action, thus serving as a much-needed international fund-raising vehicle for programmes for the aging world wide;

12. *Requests* the Commission on the Status of Women to consider under the priority theme "development" the positive contributions and specific roles of elderly women in the development of their societies;

13. *Notes with appreciation* the support given by the United Nations Population Fund to the Aging Unit of the Centre for Social Development and Humanitarian Affairs, and urges the Fund to maintain this commitment;

14. *Notes with satisfaction* the close collaboration of the Centre for Social Development and Humanitarian Affairs, as the United Nations focal point on aging, with intergovernmental and non-governmental organizations active in the field of aging, and encourages the Centre to continue to strengthen this collaboration;

15. *Designates* 1 October as International Day for the Elderly;

16. *Urges* Governments and non-governmental organizations to contribute to the Trust Fund for Aging;

17. *Also urges* Governments and non-governmental organizations to contribute human and financial resources through the Centre for Social Development and Humanitarian Affairs for the co-ordination and implementation of the action programme on aging for 1992 and beyond;

18. *Urges* the Secretary-General to consider increasing the human and financial resources of the Aging Unit of the Centre for Social Development and Humanitarian Affairs in order to enable it to fulfil its mandate as the United Nations focal point on aging;

19. *Requests* the Secretary-General to report to the General Assembly at its forty-sixth session on the implementation of the present resolution;

20. *Decides* to include in the provisional agenda of its forty-sixth session the item entitled "Question of aging".

DOCUMENT A/45/760

Report of the Third Committee on agenda item 104

[*Original: English*]
[*21 November 1990*]

1. At its 3rd plenary meeting, on 21 September 1990, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its forty-fifth session, as item 104, the item entitled "International Year of the Family", and to allocate it to the Third Committee for consideration and report.

2. The Third Committee considered the item jointly with items 90, 92, 96 and 99 at its 11th to 17th, 25th and 37th meetings, held between 17 October and 9 November 1990. An account of the Committee's discussion is contained in the summary records of the meetings (A/C.3/45/SR.11-17, 25 and 37).

3. For its consideration of the item, the Committee had before it a note by the Secretary-General (A/45/365) and a letter dated 18 September 1990 from the Mission of Norway to the Secretary-General (A/C.3/45/3).

4. At the 11th meeting, the Director-General of the United Nations Office at Vienna and the Director of the Social Development Division of the Centre for Social Development and Humanitarian Affairs of the Secretariat and Co-ordinator for the International Year of the Family made introductory statements.

Consideration of proposals

Draft resolution A/C.3/45/L.14 and Rev.1

5. At the 25th meeting, the representative of Poland introduced a draft resolution (A/C.3/45/L.14) entitled "International Year of the Family", sponsored by the Bahamas, Colombia, Costa Rica, Cuba, Czechoslovakia, Dominica, the Dominican Republic, Ecuador, El Salvador, Mexico, Panama, Poland, Romania, Suriname, Uruguay, Venezuela and Viet Nam, which read as follows:

> [*Same text as the first to third and fifth to eleventh preambular paragraphs and paragraphs 1 to 8 and 11 to 15 of draft resolution I in paragraph 15 below.*]

6. At the same meeting, Austria, Bolivia, Chile, Guatemala and the Ukrainian Soviet Socialist Republic joined in sponsoring the draft resolution.

7. At the same meeting also, the representative of Poland orally revised the draft resolution as follows:

(*a*) A new preambular paragraph was inserted after the third preambular paragraph to read as follows:

> "*Welcoming* the entry into force of the Convention on the Rights of the Child[10] and the successful conclusion of the World Summit for Children, held in New York on 29 and 30 September 1990, in particular the adoption of the World Declaration on the Survival, Protection and Development of Children (see A/45/625, annex) and the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s (*ibid.*),";

(*b*) Two new operative paragraphs were inserted after paragraph 8 to read as follows:

> "9. *Invites* the Commission for Social Development to ensure that all plans, programmes and activities related to the family accord with the concept of equality between women and men as expressed in the Nairobi Forward-looking Strategies for the Advancement of Women,[4] and with the Convention on the Elimination of All Forms of Discrimination against Women[12] and to ensure the incorporation of the principles relating to policies aimed at fostering equality between women and men, as outlined in the report of the Secretary-General,[13] into the programme for the Year;
>
> "10. *Requests* the Commission for Social Development to inform the Commission on the Status of Women on the preparations for the Year;".

8. The draft resolution as orally revised was subsequently issued under the symbol A/C.3/45/L.14/Rev.1.

9. At the 37th meeting, the representative of Poland introduced the revised draft resolution.

10. At the same meeting, the Committee adopted the revised draft resolution (see para. 15 below, draft resolution I).

11. After the adoption of the draft resolution, the representatives of the Netherlands and Australia made statements.

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[12] Resolution 34/180, annex.

[13] See A/44/407.

Draft resolution A/C.3/45/L.15

12. At the 25th meeting, the representative of Poland introduced a draft resolution (A/C.3/45/L.15) entitled "Follow-up to the Guiding Principles for Developmental Social Welfare Policies and Programmes in the Near Future, and the negative social consequences of alcohol use", sponsored by Iceland, the Libyan Arab Jamahiriya, Morocco, Norway, the Philippines, Poland and Sweden.

13. In introducing the draft resolution, the representative of Poland orally revised it by replacing in the third preambular paragraph the words "urgent action" by the words "sustained action".

14. At its 37th meeting, the Committee adopted the draft resolution as orally revised (see para. 15 below, draft resolution II).

Recommendation of the Third Committee

15. The Third Committee recommends to the General Assembly the adoption of draft resolutions I and II below:

Draft resolution I

INTERNATIONAL YEAR OF THE FAMILY

The General Assembly,

Guided by the resolve of the peoples of the United Nations to promote social progress and better standards of life in larger freedom, with a view to the creation of conditions of stability and well-being, which are necessary for peaceful and friendly relations between nations,

Guided also by the relevant provisions of the Universal Declaration of Human Rights,[14] the International Covenant on Economic, Social and Cultural Rights[15] and the Declaration on Social Progress and Development,[1] according to which the widest possible protection and assistance should be accorded to the family,

Bearing in mind the Nairobi Forward-looking Strategies for the Advancement of Women[4] and recalling that by its resolution 42/125 of 7 December 1987 it endorsed the Guiding Principles for Developmental Social Welfare Policies and Programmes in the Near Future,[3] which called for social welfare policies to give greater attention to the family,

Welcoming the entry into force on 2 September 1990 of the Convention on the Rights of the Child[10] and the successful conclusion of the World Summit for Children, held in New York on 29 and 30 September 1990, in particular the adoption of the World Declaration on the Survival, Protection and Development of Children (see A/45/625, annex) and the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s (*ibid.*),

Recalling its resolutions 42/134 of 7 December 1987 and 43/135 of 8 December 1988 on the need to enhance international co-operation in the field of the protection of and assistance to the family, as well as Economic and Social Council resolutions 1983/23 of 26 May 1983, 1985/29 of 29 May 1985 and 1989/54 of 24 May 1989,

Recalling, in particular, its resolution 44/82 of 8 December 1989, in which it proclaimed 1994 as the International Year of the Family and requested the Secretary-General to prepare a draft programme for the preparation for and observance of the Year,

Confident that the Year will offer a unique opportunity for mobilizing efforts, particularly at the local and national levels, to highlight the importance of the family, promote a better understanding of its functions and problems and strengthen national institutions to formulate, implement and monitor policies in respect of the family,

Aware that for the Year to be successful and for its impact and practical efficiency to be maximized, adequate preparation and the widespread support of all Governments, specialized agencies, intergovernmental and non-governmental organizations and the public are required,

Recognizing the efforts made by Governments at the local and national levels in carrying out specific programmes concerning the family, in which the United Nations may have an important role to play, and in raising awareness, increasing understanding and promoting policies that improve the position and well-being of the family,

Stressing the significant role that non-governmental organizations may play in the preparation and implementation of the programme for the Year,

Taking into account its decision 34/424 of 5 December 1980 and Economic and Social Council resolution 1980/67 of 25 July 1980 concerning guidelines for international years and anniversaries,

1. *Takes note* of the note by the Secretary-General (A/45/365), prepared in pursuance of its resolution 44/82;

2. *Welcomes* the designation by the Secretary-General of a Co-ordinator for the International Year of the Family and the establishment of an organizational secretariat for the Year within the Social Development Division of the Centre for Social Development and Humanitarian Affairs of the Secretariat;

3. *Invites* Governments to contribute resources, including staff, to the organizational secretariat;

4. *Affirms* that the major activities for the observance of the Year should be concentrated at the local and national levels and assisted by the United Nations and its system of organizations, with a view to creating among Governments, policy-makers and the public a greater awareness of the family as the natural and fundamental unit of society;

5. *Invites* all Governments, specialized agencies, intergovernmental and non-governmental organizations concerned, as well as interested national organizations, to exert all possible efforts in the preparation for and observance of the Year and to co-operate with the Secretary-General in achieving the objectives of the Year;

6. *Appeals* to the Governments that have not yet done so to make known to the Secretary-General their views on the preparation for and observance of the Year in order to ensure an adequate basis for formulating the programme for the Year;

7. *Requests* the Secretary-General to finalize a draft programme for the preparation for and observance of the Year and to submit it for consideration by the Commission for Social Development at its session in 1991 and by the General Assembly at its forty-sixth session;

8. *Requests* the Commission for Social Development to give priority consideration at its session in 1991 to the draft programme for the Year;

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[14] Resolution 217 A (III).

[15] See resolution 2200 A (XXI), annex.

9. *Invites* the Commission for Social Development to ensure that all plans, programmes and activities related to the family accord with the concept of equality between women and men as expressed in the Nairobi Forward-looking Strategies for the Advancement of Women,[4] and with the Convention on the Elimination of All Forms of Discrimination against Women[12] and to ensure the incorporation of the principles relating to policies aimed at fostering equality between women and men, as outlined in the report of the Secretary-General,[13] into the programme for the Year;

10. *Requests* the Commission for Social Development to inform the Commission on the Status of Women on the preparations for the Year;

11. *Invites* all States to take prompt action to establish national mechanisms, such as co-ordinating committees, to prepare for, observe and follow up the Year, in particular for the purpose of planning, stimulating and harmonizing the activities of the governmental and non-governmental agencies and organizations concerned with the preparation for and observance of the Year;

12. *Requests* the Secretary-General to establish a voluntary fund for the preparation for and observance of the Year and invites all States and interested organizations to contribute to that fund;

13. *Also requests* the Secretary-General to continue taking specific measures, through all the communication media at his disposal, to give widespread publicity to the activities of the United Nations system in the area of family issues and to increase the dissemination of information on the family;

14. *Further requests* the Secretary-General to submit a report to the General Assembly at its forty-sixth session on the progress made in the preparations for the Year, and to include therein recommendations and comments made by the preparatory and co-ordinating bodies for the Year;

15. *Decides* to include in the provisional agenda of its forty-sixth session the item entitled "International Year of the Family".

Draft resolution II

FOLLOW-UP TO THE GUIDING PRINCIPLES FOR DEVELOPMENTAL SOCIAL WELFARE POLICIES AND PROGRAMMES IN THE NEAR FUTURE, AND THE NEGATIVE SOCIAL CONSEQUENCES OF ALCOHOL USE

The General Assembly,

Recalling its resolution 42/125 of 7 December 1987, in which, *inter alia,* it endorsed the Guiding Principles for Developmental Social Welfare Policies and Programmes in the Near Future,[3] adopted by the Interregional Consultation on Developmental Social Welfare Policies and Programmes,

Recalling also Economic and Social Council resolution 1989/49 of 24 May 1989 concerning the follow-up to the Guiding Principles, in which the Council requested the Secretary-General, *inter alia,* to carry out a study on the negative social consequences of alcohol use, based on the report of an expert meeting to be convened on the question,

Convinced that the dangerous dimension of alcohol use requires sustained action for the implementation of a comprehensive international response, based on a common effort by all States,

1. *Notes with appreciation* the holding of the Expert Meeting on the Negative Social Consequences of Alcohol Use at Oslo from 27 to 31 August 1990, which was convened by the Government of Norway with the substantive support of the Centre for Social Development and Humanitarian Affairs of the Secretariat;

2. *Takes note* of the report of the Expert Meeting (A/C.3/45/3, annex) and requests the Secretary-General to make the report available to the Commission for Social Development at its thirty-second session;

3. *Invites* Member States to submit their comments on the report of the Expert Meeting to the Commission for Social Development at its thirty-second session;

4. *Requests* the Commission for Social Development to report on its discussions of the report and the comments from Member States to the Economic and Social Council at its first regular session of 1991 with proposals for future action.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 68th plenary meeting, on 14 December 1990, the General Assembly took action on the draft resolutions submitted by the Third Committee in its reports on agenda items 90, 92, 96, 99 and 104.

Draft resolutions I and II submitted in the report on agenda item 90 (A/45/746, para. 14) were adopted as follows: draft resolution I was adopted without a vote and draft resolution II was adopted by a recorded vote of 146 to 1, with 4 abstentions. For the final texts, see resolutions 45/86 and 45/87.[16]

The draft resolution submitted in the report on agenda item 92 (A/45/748, para. 8) was adopted without a vote. For the final text, see resolution 45/91.[16]

The draft resolution submitted in the report on agenda item 96 (A/45/752, para. 7) was adopted without a vote. For the final text, see resolution 45/103.[16]

The draft resolution submitted in the report on agenda item 99 (A/45/755, para. 11) was adopted without a vote. For the final text, see resolution 45/106.[16]

Draft resolutions I and II submitted in the report on agenda item 104 (A/45/760, para. 15) were adopted without a vote. For the final texts, see resolutions 45/133 and 45/134.[16]

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[16] See *Official Records of the General Assembly, Forty-fifth Session, Supplement No. 49.*

LIST OF OTHER DOCUMENTS PERTAINING TO THE ITEMS

Symbol	*Title or description*	*Agenda item*	*Observations and references*
A/45/3 and Add.1 and 2	Report of the Economic and Social Council for the year 1990 (chap. V, sect. C)	90	See *Official Records of the General Assembly, Forty-fifth Session, Supplement No. 3*
A/45/137-E/1990/35	Supplement to the *1989 Report on the World Social Situation:* report of the Secretary-General	90	
A/45/207-S/21238	Letter dated 9 April 1990 from the representative of Israel to the Secretary-General	99	
A/45/225-S/21256	Letter dated 19 April 1990 from the representative of Israel to the Secretary-General	96	
A/45/227-S/21260	Letter dated 20 April 1990 from the representative of Israel to the Secretary-General	96	
A/45/280 and Corr.1	Letter dated 16 May 1990 from the representative of Iraq to the Secretary-General	96	
A/45/338-E/1990/103	Letter dated 9 July 1990 from the representative of Albania to the Secretary-General	96	
A/45/365	Note by the Secretary-General	104	
A/45/420	Report of the Secretary-General	99	
A/45/422	Report of the Secretary-General on policies and programmes involving young people: Participation, development, peace	96	
A/45/470	Feasibility study on alternative ways to mark the end of the United Nations Decade of Disabled Persons: report of the Secretary-General	92	
A/45/584	Letter dated 4 October 1990 from the representative of Bolivia to the Secretary-General	90	
A/45/625	Note by the Secretary-General transmitting the World Declaration on the Survival, Protection and Development of Children and the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s, adopted by the World Summit for Children in New York on 30 September 1990	96, 104	
A/C.3/45/3	Letter dated 18 September 1990 from the Mission of Norway to the Secretary-General	104	
A/C.3/45/7	Letter dated 16 October 1990 from the Mission of Finland to the Secretary-General	92	
A/C.3/45/L.12	Draft resolution	99	See A/45/755, para. 5
A/C.3/45/L.12/Rev.1	Revised draft resolution	99	*Ibid.*, paras. 5 and 6
A/C.3/45/L.12/Rev.2	*Idem*	99	*Ibid.*, paras. 5 and 11
A/C.3/45/L.13	Draft resolution	96	See A/45/752, paras. 5 and 7
A/C.3/45/L.14	*Idem*	104	See A/45/760, paras. 5 and 6
A/C.3/45/L.14/Rev.1	Revised draft resolution	104	*Ibid.*, paras. 5, 6 and 15, draft resolution I
A/C.3/45/L.15	Draft resolution	104	*Ibid.*, paras. 12, 13 and 15, draft resolution II
A/C.3/45/L.16	*Idem*	90	See A/45/746, paras. 6 and 14, draft resolution I
A/C.3/45/L.17	*Idem*	92	See A/45/748, paras. 6 and 8
A/C.3/45/L.18	*Idem*	90	See A/45/746, para. 8
A/C.3/45/L.18/Rev.1	Revised draft resolution	90	*Ibid.*, paras. 10 and 14, draft resolution II

United Nations

GENERAL ASSEMBLY

Official Records

*Agenda items 94, 95 and 100**

ANNEXES

FORTY-FIFTH SESSION

NEW YORK, 1990/1991

Agenda item 94: Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms

Agenda item 95: New international humanitarian order

Agenda item 100: Crime prevention and criminal justice

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DOCUMENT A/45/750

Report of the Third Committee on agenda item 94

[*Original: English*]
[*29 November 1990*]

1. At its 3rd plenary meeting, on 21 September 1990, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its forty-fifth session, as item 94, the item entitled "Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms", and to allocate it to the Third Committee for consideration and report.

2. The Third Committee considered the item jointly with items 95 and 100 at its 24th to 27th, 36th, 38th, 45th, 51st and 62nd meetings, held between 30 October and 4 December 1990. An account of the Committee's discussion is contained in the summary records of the meetings (A/C.3/45/SR.24-27, 36, 38, 45, 51 and 62).

3. For its consideration of the item, the Committee had before it the following documents:

[*See the list of documents at the end of the present fascicle.*]

4. At the 24th meeting, the Director of the Legislation and Prevention of Discrimination Branch of the Centre for Human Rights of the Secretariat made an introductory statement.

Consideration of proposals

Draft resolution A/C.3/45/L.26

5. At the 36th meeting, the representative of Cuba, on behalf of Afghanistan, Algeria, Angola, Argentina, Benin, Bolivia, Burkina Faso, Colombia, Cuba, Cyprus, Ecuador, Ethiopia, Guinea, Guinea-Bissau, Guyana, India, the Lao People's Democratic Republic, the Libyan Arab Jamahiriya, Madagascar, Mali, Mexico, Peru, Rwanda, Viet Nam, Yemen, Yugoslavia, Zambia and Zimbabwe, introduced a draft resolution (A/C.3/45/L.26) entitled "Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms".

6. At the 51st meeting, the representatives of Australia and Italy (on behalf of the 12 States members of the European Community) made statements in explanation of vote before the vote.

7. At the same meeting, the Committee adopted the draft resolution by a recorded vote of 104 to 1, with 31 abstentions (see para. 21 below, draft resolution I). The voting was as follows:

In favour: Afghanistan, Algeria, Angola, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Chad, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Djibouti, Ecuador, Egypt, Ethiopia, Fiji, Gabon, Ghana, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mexico,

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* For the records of the relevant meetings, see *Official Records of the General Assembly, Forty-fifth Session, Third Committee*, 24th to 27th, 36th, 38th, 45th, 51st and 62nd meetings, and corrigendum; *ibid., Fifth Committee*, 42nd meeting, and corrigendum; and *ibid., Plenary Meetings*, 68th meeting. For the prior consideration of the question dealt with under item 94, see *Official Records of the General Assembly, Forty-fourth Session, Annexes*, agenda item 96; for the question dealt with under item 95, see *Official Records of the General Assembly, Forty-third Session, Annexes*, agenda items 104 and 105; and for the question dealt with under item 100, see *Official Records of the General Assembly, Forty-fourth Session, Annexes*, agenda items 90 to 93, 97, 99, 101, 102 and 113.

Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, New Zealand, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Rwanda, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

Against: United States of America.

Abstaining: Australia, Austria, Belgium, Bulgaria, Canada, Czechoslovakia, Denmark, El Salvador,[1] Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Liechtenstein, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Spain, Swaziland, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland.

8. The representatives of Panama, New Zealand, the Union of Soviet Socialist Republics and Japan made statements in explanation of vote after the vote.

Draft resolution A/C.3/45/L.28

9. At the 36th meeting, the representative of Yugoslavia, on behalf of Afghanistan, Algeria, Argentina, Bolivia, Brazil, China, Colombia, Costa Rica, Cuba, Cyprus, Dominican Republic, Ecuador, Egypt, Ethiopia, India, Jamaica, Lesotho, the Libyan Arab Jamahiriya, Mali, Mexico, Morocco, the Philippines, Rwanda, Senegal, Somalia, the Sudan, Suriname, Tunisia, the United Republic of Tanzania, Vanuatu, Venezuela, Viet Nam, Yugoslavia, Zaire and Zimbabwe, introduced a draft resolution (A/C.3/45/L.28) entitled "Right to development". Subsequently, Guatemala and Peru joined in sponsoring the draft resolution.

10. In introducing the draft resolution, the representative of Yugoslavia orally revised it as follows:

(*a*) In paragraph 1, the words "*with interest*" were added after the words "*Takes note*";

(*b*) In paragraph 3, the words "setting up" were deleted after the words "*Reiterates* the need for";

(*c*) In paragraph 4, after the words "Centre for Human Rights", the words "of the Secretariat" were deleted; and after the words "to continue", the words "and enhance" were deleted;

(*d*) In paragraph 6, after the words "for the implementation", the words "and monitoring" were deleted.

11. At its 51st meeting, the Committee adopted the draft resolution, as orally revised, without a vote (see para. 21 below, draft resolution II).

12. After the adoption of the draft resolution, the representatives of the United States of America,[2] Germany and Japan made statements.

Draft resolution A/C.3/45/L.32

13. At the 36th meeting, the representative of the United States of America, on behalf of France, Germany, Japan, Panama, Poland, Romania, Turkey, the Union of Soviet Socialist Republics and the United States of America, introduced a draft resolution (A/C.3/45/L.32) entitled "Respect for the right of everyone to own property alone as well as in association with others and its contribution to the economic and social development of Member States", and orally revised paragraph 3 by inserting the phrase ", consistent with national policies" after the phrase "at the national level".

14. At the 38th meeting, the representative of Cuba introduced amendments to the draft resolution, which were contained in document A/C.3/45/L.42 and read as follows:

"1. Insert the following paragraphs as the fourth and fifth preambular paragraphs:

> '*Recognizing further* that the right of all peoples to self-determination includes the exercise of their inalienable right to full sovereignty over all their natural wealth and resources,
>
> '*Reaffirming* that, in accordance with article 6 of the Declaration on Social Progress and Development, social progress and development require the establishment, in conformity with human rights and fundamental freedoms and with the principles of justice and the social function of property, of forms of ownership of land and of the means of production which preclude any kind of exploitation of man, ensure equal rights to property for all and create conditions leading to genuine equality among people,';

"2. Insert the following as a new paragraph 3:

> '3. *Calls upon* States to ensure that their national legislation with regard to all forms of property shall preclude any impairment of the enjoyment of human rights and fundamental freedoms, without prejudice to their right freely to choose and develop their political, social, economic and cultural systems;'

"3. Renumber the remaining paragraphs accordingly;

"4. In former paragraph 4, after the words 'and the right not to be', replace the word 'arbitrarily' by the word 'illegally'."

15. In introducing the amendments, the representative of Cuba also proposed that in the first preambular paragraph of the draft resolution, after the words "and 43/123", the words "and 43/124" should be inserted.

16. At the 51st meeting, the representative of Cuba proposed a draft decision, which was adopted by the Committee without a vote (see para. 22 below, draft decision).

17. In the light of the adoption of the draft decision, the representative of Cuba withdrew the amendments to draft resolution A/C.3/45/L.32.

18. At the same meeting, the Committee adopted the draft resolution, as orally revised, without a vote (see para. 21 below, draft resolution III).

Draft resolution A/C.3/45/L.35

19. At the 36th meeting, the representative of Australia, on behalf of Argentina, Australia, Chile, Colombia, Costa Rica, Finland, Greece, Hungary, India, Ireland, Italy, Mexico, the Netherlands, New Zealand, Norway, the Philippines, Senegal, Sweden, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and Yugoslavia, introduced a draft resolution (A/C.3/45/L.35) entitled "Development of public information

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[1] The delegation of El Salvador subsequently informed the Committee that it had intended to vote in favour of the draft resolution.

[2] The delegation of the United States of America informed the Committee that it had not participated in the action taken on the draft resolution.

activities in the field of human rights''. Subsequently, Bolivia, Germany, Guatemala, Romania and Samoa joined in sponsoring the draft resolution.

20. At its 51st meeting, the Committee adopted the draft resolution without a vote (see para. 21 below, draft resolution IV).

Recommendations of the Third Committee

21. The Third Committee recommends to the General Assembly the adoption of draft resolutions I to IV below:

Draft resolution I

ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

The General Assembly,

Recalling that in the Charter of the United Nations the peoples of the United Nations declared their determination to reaffirm faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and of nations large and small and to employ international machinery for the promotion of the economic and social advancement of all peoples,

Recalling also the purposes and principles of the Charter to achieve international co-operation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion,

Emphasizing the significance and validity of the Universal Declaration of Human Rights[3] and of the International Covenants on Human Rights[4] in promoting respect for and observance of human rights and fundamental freedoms,

Recalling further its resolutions relating to the right to development and its resolution 32/130 of 16 December 1977, in which it decided that the approach to future work within the United Nations system with respect to human rights questions should take into account the concepts set forth in that resolution,

Noting with concern that many of the principles enunciated therein have not yet been taken under consideration by the international community with all the necessary dynamism and objectivity,

Emphasizing also the special importance of the purposes and principles proclaimed in the Declaration on the Right to Development,[5]

Recalling Commission on Human Rights resolutions 1990/17 and 1990/18 of 23 February 1990,[6]

Taking into account the final documents of the Ninth Conference of Heads of State or Government of Non-Aligned Countries, held at Belgrade from 4 to 7 September 1989,[7]

Reiterating that the right to development is an inalienable human right and that equality of development opportunities is a prerogative both of nations and of individuals within nations,

Expressing its particular concern about the progressive worsening of living conditions in the developing world and the negative impact thereof on the full enjoyment of human rights, and especially about the very serious economic situation of the African continent and the disastrous effects of the heavy burden of the external debt for the peoples of Africa, Asia and Latin America,

Reiterating its profound conviction that all human rights and fundamental freedoms are indivisible and interdependent and that equal attention and urgent consideration should be given to the implementation, promotion and protection of civil and political rights and of economic, social and cultural rights,

Deeply convinced that today more than ever, economic and social development and human rights are complementary elements leading to the same goal, that is, the maintenance of peace and justice among nations as the foundation for the ideals of freedom and well-being to which mankind aspires,

Reiterating that co-operation among all nations on the basis of respect for the independence, sovereignty and territorial integrity of each State, including the right of every people to choose freely its own socio-economic and political system, is essential for the promotion of peace and development,

Convinced that the primary aim of such international co-operation must be the achievement by all human beings of a life of freedom and dignity and freedom from want,

Considering that the efforts of the developing countries for their own development should be supported by an increased flow of resources and by the adoption of appropriate and substantive measures for creating an external environment conducive to such development,

1. *Reiterates its request* that the Commission on Human Rights should continue its current work on overall analysis with a view to further promoting and strengthening human rights and fundamental freedoms, including the question of the programme and working methods of the Commission, and on the overall analysis of the alternative approaches and ways and means for improving the effective enjoyment of human rights and fundamental freedoms;

2. *Affirms* that a primary aim of international co-operation in the field of human rights is a life of freedom, dignity and peace for all peoples and for every human being, that all human rights and fundamental freedoms are indivisible and interrelated and that the promotion and protection of one category of rights should never exempt or excuse States from promoting and protecting the others;

3. *Reaffirms* that equal attention and urgent consideration should be given to the implementation, promotion and protection of civil and political rights and of economic, social and cultural rights;

4. *Reiterates once again* that the international community should accord, or continue to accord, priority to the search for solutions to mass and flagrant violations of human rights of peoples and individuals affected by situations such as those mentioned in paragraph 1 (*e*) of General Assembly resolution 32/130, paying due attention also to other situations of violations of human rights;

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[3] Resolution 217 A (III).

[4] Resolution 2200 A (XXI), annex.

[5] Resolution 41/128, annex.

[6] See *Official Records of the Economic and Social Council, 1990, Supplement No. 2* and corrigendum (E/1990/22 and Corr.1, chap. II, sect. A.

[7] A/44/551-S/20870, annex.

5. *Reaffirms also* that the right to development is an inalienable human right;

6. *Reaffirms further* that international peace and security are essential elements for achieving full realization of the right to development;

7. *Recognizes* that all human rights and fundamental freedoms are indivisible and interdependent;

8. *Considers it necessary* for all Member States to promote international co-operation on the basis of respect for the independence, sovereignty and territorial integrity of each State, including the right of every people to choose freely its own socio-economic and political system, with a view to solving international economic, social and humanitarian problems;

9. *Urges* all States to co-operate with the Commission on Human Rights in the promotion and protection of human rights and fundamental freedoms;

10. *Reaffirms once again* that, in order to facilitate the full enjoyment of all human rights without diminishing personal dignity, it is necessary to promote the rights to education, work, health and proper nourishment through the adoption of measures at the national level, including those that provide for the right of workers to participate in management, as well as the adoption of measures at the international level, including the establishment of the new international economic order;

11. *Decides* that the approach to future work within the United Nations system on human rights matters should also take into account the content of the Declaration on the Right to Development and the need for the implementation thereof;

12. *Decides also* to include in the provisional agenda of its forty-sixth session the item entitled "Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms".

Draft resolution II

RIGHT TO DEVELOPMENT

The General Assembly,

Recalling the proclamation by the General Assembly at its forty-first session of the Declaration on the Right to Development,[5]

Recalling also its resolutions and those of the Commission on Human Rights relating to the right to development, and taking note of Commission resolution 1990/18 of 23 February 1990,[6] endorsed by the Economic and Social Council by its decision 1990/225 of 25 May 1990,

Reiterating the importance of the right to development for all countries, in particular the developing countries,

Mindful that the Commission on Human Rights has entered a new phase in its consideration of this matter, which is directed towards the implementation and further enhancement of the right to development,

Having considered the report on the Global Consultation on the Realization of the Right to Development as a Human Right,[8]

Reaffirming the need for an evaluation mechanism so as to ensure the promotion, encouragement and reinforcement of the principles contained in the Declaration on the Right to Development,

Aware of the interest in participation in the Global Consultation expressed by several Member States, specialized agencies and non-governmental organizations,

1. *Takes note with interest* of the report on the Global Consultation on the Realization of the Right to Development as a Human Right, which was organized by the Secretary-General in pursuance of General Assembly resolution 44/62 of 8 December 1989;

2. *Expresses the hope* that Governments, United Nations bodies and organs and specialized agencies and governmental and non-governmental organizations, including those active in development and human rights, will submit, at the request of the Secretary-General based on Commission on Human Rights resolution 1990/18, additional, updated and more specific views and concrete comments and proposals for further international and national action aimed at strengthening existing, or creating possible new, mechanisms for the promotion and protection of human rights, taking into account the ideas contained in chapter VII of the report on the Global Consultation and the views expressed on the issue during the debate at the forty-sixth session of the Commission, including the creation of a group of experts;

3. *Reiterates* the need for a continuing evaluation mechanism so as to ensure the promotion, encouragement and reinforcement of the principles contained in the Declaration on the Right to Development;

4. *Requests* the Office of the Director-General for Development and International Economic Co-operation and the Centre for Human Rights to continue co-ordination of the various activities with regard to the implementation of the Declaration;

5. *Urges* all relevant bodies of the United Nations system, particularly the specialized agencies, when planning their programmes of activities, to take due account of the Declaration and to make efforts to contribute to its application;

6. *Urges* the regional commissions and regional intergovernmental organizations to convene meetings of governmental experts and representative non-governmental and grass-roots organizations for the purpose of seeking agreement on arrangements for the implementation of the Declaration through international co-operation;

7. *Requests* the Secretary-General to inform the Commission on Human Rights at its forty-seventh session and the General Assembly at its forty-sixth session of the activities of the organizations of the United Nations system on the implementation of the Declaration;

8. *Calls upon* the Commission to continue to make proposals to the General Assembly, through the Economic and Social Council, on the future course of action on the question, in particular on practical measures for the implementation and enhancement of the Declaration, taking into account the conclusions and recommendations of the Global Consultation and replies received;

9. *Decides* to consider this question at its forty-sixth session under the item entitled "Alternative approaches and

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[8] E/CN.4/1990/9/Rev.1.

ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms".

Draft resolution III

RESPECT FOR THE RIGHT OF EVERYONE TO OWN PROPERTY ALONE AS WELL AS IN ASSOCIATION WITH OTHERS AND ITS CONTRIBUTION TO THE ECONOMIC AND SOCIAL DEVELOPMENT OF MEMBER STATES

The General Assembly,

Recalling its resolutions 41/132 of 4 December 1986 and 43/123 of 8 December 1988,

Reaffirming the right of States and their peoples freely to choose and develop their political, social, economic and cultural systems and to determine their laws and regulations,

Recognizing the value of constructive dialogue in the national context on the ways and means by which States can promote the full enjoyment of the right of everyone to own property alone as well as in association with others,

Recognizing also in this context the importance of enabling everyone to acquire property, alone or in association with others, by taking practical actions that assist the economic development of developing countries,

Convinced that the right of everyone to own property alone as well as in association with others, as set forth in article 17 of the Universal Declaration of Human Rights,[3] and as reaffirmed in paragraph 4 of the Declaration on the Rights of Disabled Persons[9] and in article 16, paragraph 1 (*h*), of the Convention on the Elimination of All Forms of Discrimination against Women,[10] is of particular significance in fostering widespread enjoyment of other basic human rights and contributes to securing the goals of economic and social development enshrined in the Charter of the United Nations,

Reaffirming, in accordance with article 29 of the Universal Declaration of Human Rights, that, in the exercise of his or her rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition of and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society,

Taking note of the report of the Secretary-General on respect for the right of everyone to own property alone as well as in association with others and its contribution to the economic and social development of Member States (A/45/523),

1. *Recognizes* that there exist in Member States many forms of legal property ownership, including private, communal, social and state forms, each of which should contribute to ensuring effective development and utilization of human resources by establishing sound bases for political, economic and social justice;

2. *Affirms*, in accordance with article 30 of the Universal Declaration of Human Rights, that nothing in the Declaration, including the right of everyone to own property alone as well as in association with others, may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms proclaimed therein;

3. *Considers* that further measures may be appropriate at the national level, consistent with national policies, to ensure respect for the right of everyone to own property alone as well as in association with others and the right not to be arbitrarily deprived of one's property, as set forth in article 17 of the Universal Declaration of Human Rights, so as to protect and preserve these rights in relation to the following types of property:

(*a*) Personal property, including the residence of one's self and family;

(*b*) Economically productive property, including property associated with agriculture, commerce and industry;

4. *Urges* States, therefore, in accordance with their respective constitutional systems and the Universal Declaration of Human Rights, to provide, where they have not done so, adequate constitutional and legal provisions to protect the right of everyone to own property alone as well as in association with others and the right not to be arbitrarily deprived of one's property;

5. *Requests* the Commission on Human Rights, while addressing the question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights,[4] to consider the means whereby and the degree to which respect for the right to own property alone as well as in association with others contributes to the development of individual liberty and initiative, which serve to foster, strengthen and enhance the exercise of other human rights and fundamental freedoms;

6. *Decides* to consider this question at its forty-seventh session under the item entitled "Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms".

Draft resolution IV

DEVELOPMENT OF PUBLIC INFORMATION ACTIVITIES IN THE FIELD OF HUMAN RIGHTS

The General Assembly,

Reaffirming that activities to improve public knowledge in the field of human rights are essential to the fulfilment of the purposes of the United Nations set out in Article 1, paragraph 3, of the Charter of the United Nations and that carefully designed programmes of teaching, education and information are essential to the achievement of lasting respect for human rights and fundamental freedoms,

Recalling the resolutions adopted on this subject, in particular its resolutions 43/128 of 8 December 1988 and 44/61 of 8 December 1989, and taking note of Commission on Human Rights resolution 1990/73 of 7 March 1990,[6]

Recognizing the catalytic effect of initiatives of the United Nations on national and regional public information activities in the field of human rights,

Recognizing also the valuable role that non-governmental organizations can play in those endeavours,

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[9] Resolution 3447 (XXX).

[10] Resolution 34/180, annex.

Recognizing further that the eradication of illiteracy will further the promotion and protection of human rights,

Believing that the World Public Information Campaign on Human Rights is a valuable complement to the activities of the United Nations further to promote and to protect human rights world-wide,

1. *Takes note* of the report of the Secretary-General on the development of the public information activities in the field of human rights (A/45/590);

2. *Reaffirms* the need for information materials on human rights to be carefully designed in clear and accessible form, to be tailored to regional and national requirements and circumstances with specific target audiences in mind and to be effectively disseminated in national and local languages and in sufficient volume to have the desired impact, and for effective use also to be made of the mass media, in particular radio and television and audio-visual technologies, in order to reach wider audiences, with priority being given to children, other young people and the disadvantaged, including those in isolated areas;

3. *Urges* the Secretariat to take measures to ensure the further production and effective dissemination of human rights information materials, especially those on the basic United Nations human rights instruments and institutions, in national and local languages, in co-operation with regional, national and local organizations as well as with Governments, making full and effective use of the United Nations information centres;

4. *Requests* the Secretary-General to produce audio-visual materials on human rights issues which could be used as effective tools of information within the framework of the World Public Information Campaign for Human Rights and which would be made available at United Nations information centres and United Nations offices world-wide and to report on the progress made to the Commission on Human Rights at its forty-seventh session;

5. *Encourages* the efforts of the Secretariat to establish, within available resources, the collection of basic United Nations information and reference material on human rights and fundamental freedoms at each United Nations information centre;

6. *Encourages* all Member States to make special efforts to provide, facilitate and encourage publicity for the activities of the United Nations in the field of human rights and to accord priority to the dissemination, in their respective national and local languages, of the texts of the Universal Declaration of Human Rights,[3] the International Covenants on Human Rights[4] and other international conventions, as well as to information and education on the practical ways in which the rights and freedoms enjoyed under those instruments can be exercised;

7. *Urges* all Member States to include in their educational curricula materials relevant to a comprehensive understanding of human rights issues, and encourages all those responsible for training in law and its enforcement, the armed forces, medicine, diplomacy and other relevant fields to include appropriate human rights components in their programmes;

8. *Requests* the Secretary-General to continue to draw the attention of Member States to the teaching booklet on human rights, which could serve as a broad and flexible framework adaptable to national circumstances for the structuring and development of the teaching of human rights;

9. *Notes* the special value, under the advisory services and technical assistance programme, of regional and national training courses and workshops, in co-operation with Governments, regional and national organizations and non-governmental organizations, in promoting practical education and awareness in the field of human rights;

10. *Also requests* the Secretary-General to ensure the fullest effective deployment of the skills and resources of all concerned units of the Secretariat and to make available, within existing resources, and in particular from the budget of the Department of Public Information of the Secretariat, adequate funding for developing practical and effective human rights information activities, including those within the programme of the World Public Information Campaign for Human Rights;

11. *Calls upon* the Centre for Human Rights of the Secretariat, which has primary responsibility within the United Nations system in the field of human rights, to co-ordinate the substantive activities of the World Campaign pursuant to the direction of the General Assembly and the Commission on Human Rights, and to serve as liaison with Governments, regional and national institutions, non-governmental organizations and concerned individuals in the development and implementation of the activities of the World Campaign;

12. *Calls upon* the Department of Public Information, which has primary responsibility for public information activities, to co-ordinate the public information activities of the World Campaign and, in its responsibility as secretariat to the Joint United Nations Information Committee, to promote co-ordinated system-wide information activities in the field of human rights;

13. *Stresses* the need for close co-operation between the Centre for Human Rights and the Department of Public Information, *inter alia*, in the implementation of the aims established for the World Campaign and the need for the United Nations to harmonize its activities in the field of human rights with those of other organizations, including the International Committee of the Red Cross, with regard to the dissemination of information on international humanitarian law, and the United Nations Educational, Scientific and Cultural Organization, with regard to education for human rights;

14. *Requests* the Secretariat, in the implementation of the World Campaign, to take advantage, as much as possible, of the collaboration of non-governmental organizations for, *inter alia*, the dissemination of human rights materials, with a view to increasing universal awareness of human rights and fundamental freedoms;

15. *Requests* the Commission on Human Rights, at its forty-seventh session, on the basis of the report of the Secretary-General, to give priority consideration to this question with a view to providing appropriate guidance on the aims and activities of the World Campaign;

16. *Requests* the Secretary-General to submit to the General Assembly at its forty-seventh session a comprehensive report on the implementation of the present resolution for consideration under the item entitled "Alternative

approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms".

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22. The Third Committee also recommends to the General Assembly the adoption of the following draft decision:

ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

The General Assembly, recalling its resolution 43/124 of 8 December 1988, regarding the impact of property on the enjoyment of human rights and fundamental freedoms, requests the Secretary-General to seek the views of Member States on that resolution and to report thereon to the General Assembly at its forty-seventh session.

DOCUMENT A/45/751

Report of the Third Committee on agenda item 95

[*Original: English*]
[*21 November 1990*]

1. At its 3rd plenary meeting, on 21 September 1990, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its forty-fifth session, as item 95, the item entitled "New international humanitarian order", and to allocate it to the Third Committee for consideration and report.

2. The Third Committee considered the item jointly with items 94 and 100 at its 24th to 27th, 36th, 38th, 45th, 51st and 62nd meetings, held between 30 October and 4 December 1990. An account of the Committee's discussion is contained in the summary records of the meetings (A/C.3/45/SR.24-27, 36, 38, 45, 51 and 62).

3. For its consideration of the item, the Committee had before it the following documents:

[*See the list of documents at the end of the present fascicle.*]

4. At the 24th meeting, the United Nations Disaster Relief Co-ordinator and the Director of the Legislation and Prevention of Discrimination Branch of the Centre for Human Rights of the Secretariat made introductory statements.

Consideration of proposals

Draft resolution A/C.3/45/L.27

5. At the 36th meeting, the representative of France, on behalf of Bahrain, Bangladesh, Belgium, Benin, Burkina Faso, Burundi, the Byelorussian Soviet Socialist Republic, the Central African Republic, Chad, Chile, Costa Rica, Côte d'Ivoire, Denmark, France, Gabon, Greece, Guatemala, Guinea, Guinea-Bissau, Honduras, Italy, Jamaica, Japan, Jordan, Lebanon, Lesotho, Luxembourg, Malaysia, Mali, Malta, Mauritania, Morocco, Nepal, Niger, the Philippines, Portugal, Romania, Samoa, Senegal, Sierra Leone, Suriname, Thailand, Togo, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Yugoslavia and Zaire, introduced a draft resolution (A/C.3/45/L.27) entitled "Humanitarian assistance to victims of natural disasters and similar emergency situations". Subsequently, Guyana joined in sponsoring the draft resolution. In introducing the draft resolution, the representative of France orally revised it as follows:

(*a*) In paragraph 6, after the words "concerted action", the words "by Governments and the" were replaced with the words "by affected Governments and the Governments and";

(*b*) In paragraph 8, after the words "natural disasters or" the word "similar" was added and after the words "relief corridors," the words "on the basis of the report of the Secretary-General and" were added.

6. At its 45th meeting, the Committee adopted the draft resolution as orally revised (see para. 12 below, draft resolution I).

7. After the adoption of the draft resolution, the representative of Brazil made a statement.

Draft resolution A/C.3/45/L.31

8. At the 36th meeting, the representative of Jordan, on behalf of Algeria, Austria, Bahrain, Bangladesh, Belgium, Bulgaria, Canada, Chile, Colombia, Costa Rica, Czechoslovakia, Denmark, Djibouti, Ecuador, France, Greece, Indonesia, Italy, Jamaica, Japan, Jordan, Lebanon, Lesotho, the Libyan Arab Jamahiriya, Mauritania, Morocco, Oman, Pakistan, Peru, Qatar, Romania, Saudi Arabia, Senegal, Sierra Leone, Somalia, the Sudan, Tunisia, the Union of Soviet Socialist Republics, the United Arab Emirates, Yemen and Yugoslavia, introduced a draft resolution (A/C.3/45/L.31) entitled "New international humanitarian order". Subsequently, the Philippines joined in sponsoring the draft resolution.

9. At its 45th meeting, the Committee adopted the draft resolution (see para. 12 below, draft resolution II).

Draft resolution A/C.3/45/L.34

10. At the 36th meeting, the representative of the Union of Soviet Socialist Republics, on behalf of Austria, Bulgaria, France, Jordan, Malaysia, Mongolia, Morocco and the Union of Soviet Socialist Republics, introduced a draft resolution (A/C.3/45/L.34) entitled "Promotion of international co-operation in the humanitarian field".

11. At its 45th meeting, the Committee adopted the draft resolution (see para. 12 below, draft resolution III).

Recommendation of the Third Committee

12. The Third Committee recommends to the General Assembly the adoption of draft resolutions I to III below:

Draft resolution I

HUMANITARIAN ASSISTANCE TO VICTIMS OF NATURAL DISASTERS AND SIMILAR EMERGENCY SITUATIONS

The General Assembly,

Recalling its resolution 43/131 of 8 December 1988,

Recalling that one of the principles of the United Nations is to achieve international co-operation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion,

Reaffirming the sovereignty, territorial integrity and national unity of States, and recognizing that it is up to each State first and foremost to take care of the victims of natural disasters and similar emergency situations occurring on its territory,

Deeply concerned about the suffering of the victims of natural disasters and similar emergency situations, the loss in human lives, the destruction of property and the mass displacement of populations that results from them,

Concerned about the fate of persons who, following such displacement, are in an extremely precarious situation, particularly in a country other than that of which they are nationals,

Considering that the abandonment of the victims of natural disasters and similar emergency situations without humanitarian assistance constitutes a threat to human life and an offence to human dignity,

Strongly desiring that the international community should respond speedily and effectively to the needs for emergency humanitarian assistance expressed in particular through the Secretary-General,

Concerned about the difficulties and obstacles that victims of natural disasters and similar emergency situations may encounter in receiving humanitarian assistance,

Convinced that, in providing humanitarian assistance, in particular the supply of food, medicines or health care, for which access to victims is essential, rapid relief will avoid a tragic increase in the number of victims,

Recalling, in this regard, the Cairo Declaration[11] adopted by the World Food Council at its fifteenth session, proposing, *inter alia*, an international agreement on the transport of emergency food aid,

Aware that alongside the action of Governments and intergovernmental organizations, the speed and efficiency of this assistance often depend on the help and aid of local and non-governmental organizations working in an impartial manner and with strictly humanitarian motives,

Reaffirming the need for the intergovernmental, governmental and non-governmental organizations dealing with humanitarian assistance to co-operate as closely as possible with the Office of the United Nations Disaster Relief Co-ordinator or any *ad hoc* mechanism set up by the Secretary-General in the co-ordination of aid,

Concerned about the effectiveness of such assistance, which requires an accurate evaluation of needs, efficient preparation of actions and effective co-ordination in conducting them,

Recalling that, in the event of natural disasters and similar emergency situations, the principles of humanity, neutrality and impartiality must be given utmost consideration by all those involved in providing humanitarian assistance,

1. *Reaffirms* the cardinal importance of humanitarian assistance for the victims of natural disasters and similar emergency situations;

2. *Reaffirms also* the sovereignty of affected States and their primary role in the initiation, organization, co-ordination and implementation of humanitarian assistance within their respective territories;

3. *Stresses* the important contribution made in providing humanitarian assistance by intergovernmental and non-governmental organizations working impartially and with strictly humanitarian motives;

4. *Invites* all States whose populations are in need of such assistance to facilitate the work of these organizations in implementing humanitarian assistance, in particular the supply of food, medicines and health care, for which access to victims is essential;

5. *Appeals*, therefore, to all States to give their support to these organizations working to provide humanitarian assistance, where needed, to the victims of natural disasters and similar emergency situations;

6. *Notes with satisfaction* the report of the Secretary-General (A/45/587) on the implementation of resolution 43/131 and the suggestions which he makes concerning means of facilitating humanitarian assistance operations, in particular the possibility of establishing, on a temporary basis, where needed, and by means of concerted action by affected Governments and the Governments and intergovernmental, governmental and non-governmental organizations concerned, relief corridors for the distribution of emergency medical and food aid;

7. *Urges* States in proximity to areas of natural disasters and similar emergency situations, particularly in the case of regions that are difficult to reach, to participate closely with the affected countries in international efforts with a view to facilitating, to the extent possible, the transit of humanitarian assistance;

8. *Requests* the Secretary-General to pursue, within existing resources, the necessary consultations with Governments and intergovernmental, governmental and non-governmental organizations with a view to determining means of facilitating the delivery of appropriate humanitarian assistance to the victims of natural disasters or similar emergency situations, including the establishment of relief corridors, on the basis of the report of the Secretary-General and on the terms set out in paragraph 6 of the present resolution, and to report thereon to the General Assembly at its forty-seventh session;

9. *Invites* the Secretary-General to study, within existing resources, the possibility of preparing, on the basis of information furnished by Governments and the relevant governmental and non-governmental international organizations and taking into account the work already done in this area by the United Nations, in particular by the Office of the United Nations Disaster Relief Co-ordinator, an indicative list of persons and bodies with expert knowledge of the delivery and management of emergency humanitarian assistance whom the United Nations could call upon, with the consent of the States concerned, to make an accurate and speedy

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[11] See *Official Records of the General Assembly, Forty-fourth Session, Supplement No. 19* (A/44/19), part one.

assessment of the needs and a realistic determination of the best means of delivering the aid;

10. *Decides* to consider this question at its forty-seventh session.

Draft resolution II

NEW INTERNATIONAL HUMANITARIAN ORDER

The General Assembly,

Recalling its resolutions 36/136 of 14 December 1981, 37/201 of 18 December 1982, 38/125 of 16 December 1983, 40/126 of 13 December 1985, 42/120 and 42/121 of 7 December 1987 and 43/129 of 8 December 1988 relating to the promotion of a new international humanitarian order,

Taking note of the report of the Secretary-General (A/45/524) and the comments made by various Governments regarding the humanitarian order and the work done in this regard by the Independent Commission on International Humanitarian Issues,

Noting the actions being taken by the specialized agencies and programmes of the United Nations system with regard to the humanitarian issues, examined by the Independent Commission, that fall within their respective mandates,

Recognizing with concern the continuing need further to strengthen international responses to growing humanitarian challenges and to adjust actions of governmental and non-governmental organizations to new realities in a fast-changing world,

Bearing in mind the importance of creative humanitarian action at the international as well as the regional and national levels to alleviate human suffering and to promote durable solutions to humanitarian problems,

Convinced of the need for active follow-up to the recommendations and suggestions made by the Independent Commission and noting the role being played in this regard by the Independent Bureau for Humanitarian Issues set up for the purpose,

1. *Expresses its appreciation* to the Secretary-General for his continuing active support to the efforts to promote a new international humanitarian order;

2. *Encourages* Governments as well as governmental and non-governmental organizations that have not yet done so to provide their comments and expertise to the Secretary-General regarding the humanitarian order and the report of the Independent Commission on International Humanitarian Issues;

3. *Invites* the Independent Bureau for Humanitarian Issues to continue and further strengthen its essential role in following up the work of the Independent Commission;

4. *Invites* Governments to make available to the Secretary-General, on a voluntary basis, information and expertise on humanitarian issues of concern to them in order to identify opportunities for future action;

5. *Requests* the Secretary-General to remain in contact with Governments as well as governmental and non-governmental organizations and the Independent Bureau for Humanitarian Issues and to report on the progress made by them to the General Assembly at its forty-seventh session;

6. *Decides* to review at its forty-seventh session the question of a new international humanitarian order.

Draft resolution III

PROMOTION OF INTERNATIONAL CO-OPERATION IN THE HUMANITARIAN FIELD

The General Assembly,

Recalling its resolutions 42/121 of 7 December 1987 and 43/130 of 8 December 1988,

Noting that one of the purposes of the United Nations, set forth in its Charter, is to achieve international co-operation in solving international problems of a humanitarian character,

Recalling also the Universal Declaration of Human Rights,[3] which proclaims, *inter alia*, that recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Recalling further that everyone is entitled to a social and international order in which universally recognized human rights and fundamental freedoms can be fully realized,

Mindful of the fact that unresolved humanitarian problems may impede the effective realization of human rights and even lead to violations of these rights,

Convinced that solving humanitarian problems requires co-operation and harmonization of actions taken by Governments, international bodies, non-governmental organizations and individuals,

Mindful also of the significance of the existing workable system to promote, facilitate and co-ordinate humanitarian activities carried out by Governments, the United Nations system and intergovernmental and non-governmental organizations,

1. *Calls upon* Governments, the United Nations system and intergovernmental and non-governmental organizations further to develop international co-operation in the humanitarian field;

2. *Reiterates* that international co-operation in the humanitarian field will facilitate better understanding, mutual respect, confidence and tolerance among countries and peoples, thus contributing to a more just and non-violent world;

3. *Notes* the need to identify humanitarian problems of the highest priority and to develop a universal strategy of action in the humanitarian field;

4. *Invites* Governments to promote, within existing mechanisms, regular exchanges of information and of national experience in addressing humanitarian problems;

5. *Calls* for the broadening of the concept of international co-operation in the humanitarian field through effective bilateral dialogue and activities pertaining to specific humanitarian issues;

6. *Encourages* the international community to contribute substantially and regularly to international humanitarian activities;

7. *Invites* all non-governmental organizations concerned with the humanitarian issues examined by the Independent Commission on International Humanitarian Issues and working with strictly humanitarian motives to bear in mind the recommendations and suggestions made in the report of the Independent Commission[12] in the context of their policies and actions in the field;

8. *Decides* to consider this issue at its forty-seventh session under the item entitled "New international humanitarian order".

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[12] *Winning the Human Race? The Report of the Independent Commission on International Humanitarian Issues* (London and New Jersey, Zed Books Ltd., 1988).

DOCUMENT A/45/756

Report of the Third Committee on agenda item 100

[*Original: English*]
[*7 December 1990*]

1. At its 3rd plenary meeting, on 21 September 1990, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its forty-fifth session, as item 100, the item entitled "Crime prevention and criminal justice", and to allocate it to the Third Committee for consideration and report.

2. The Third Committee considered the item jointly with items 94 and 95 at its 24 to 27th, 36th, 38th, 45th, 51st and 62nd meetings, held between 30 October and 4 December 1990. An account of the Committee's discussion is contained in the summary records of the meetings (A/C.3/45/SR.24-27, 36, 38, 45, 51 and 62).

3. For its consideration of the item, the Committee had before it the following documents:

[*See the list of documents at the end of the present fascicle.*]

4. At the 24th meeting, the Chief of the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs of the Secretariat made an introductory statement.

Consideration of proposals

A. *Draft resolutions and instruments contained in chapter I, section A, of the report of the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders*

5. The Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders had recommended to the General Assembly the adoption of the 13 draft resolutions and instruments contained in chapter I, section A, of its report.[13]

6. At the 45th meeting, the representative of the United States of America introduced amendments to the draft resolutions and instruments, which were contained in document A/C.3/45/L.46. The amendments read as follows:

> "1. *Draft resolution 1* (International co-operation for crime prevention and criminal justice in the context of development):
>
> "In section B of the annex, delete paragraphs 22 to 24;
>
> "2. *Draft resolution 5* (Basic principles for the treatment of prisoners):
>
> "In paragraph 5 of the annex, after 'Universal Declaration of Human Rights,' insert 'and, where the State concerned is a Party,';
>
> "3. *Draft resolution 7* (United Nations Rules for the Protection of Juveniles Deprived of their Liberty):
>
> "In paragraph 13 of the annex, after 'deprivation of liberty' delete the remainder of the paragraph;
>
> "4. *Draft resolution 10* (Model Treaty on Extradition):
>
> "In article 3 (*a*) of the annex, after 'political nature', replace the semicolon by a full stop, delete the footnote indicator and add the text in quotation marks in the footnote."

7. The Committee had before it also a statement of the programme budget implications (A/C.3/45/L.36) of the 13 draft resolutions and instruments, submitted by the Secretary-General in accordance with rule 153 of the rules of procedure of the General Assembly.

Draft resolution 1

8. At the 51st meeting, the representative of the United States of America made a statement, in the course of which she withdrew the amendment to draft resolution 1, entitled "International co-operation for crime prevention and criminal justice in the context of development".

9. At the same meeting, the Committee adopted the draft resolution (see para. 51 below, draft resolution I), on the understanding that the whole question of the functioning and programme of work of the United Nations in crime prevention and criminal justice would be considered at the ministerial meeting to be held in 1991, which would consider the report of the intergovernmental working group, prepared pursuant to draft resolution 2 recommended by the Eighth Congress.

10. After the adoption of the draft resolution, the representative of the United States of America made a statement.

Draft resolution 2

11. At its 51st meeting, the Committee adopted draft resolution 2, entitled "Review of the functioning and programme of work of the United Nations in crime prevention and criminal justice" (see para. 51 below, draft resolution II).

12. After the adoption of the draft resolution, the representative of the United States of America made a statement.

Draft resolution 3

13. At its 51st meeting, the Committee adopted draft resolution 3, entitled "Computerization of criminal justice" (see para. 51 below, draft resolution III).

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[13] A/CONF.144/28.

Draft resolution 4

14. At its 51st meeting, the Committee adopted draft resolution 4, entitled "United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules)" (see para. 51 below, draft resolution IV).

15. After the adoption of the draft resolution, the representative of the United States of America made a statement.

Draft resolution 5

16. At its 51st meeting, the Committee agreed to incorporate the amendment proposed by the United States of America to paragraph 5 of the annex to draft resolution 5, entitled "Basic principles for the treatment of prisoners".

17. At the same meeting, the Committee adopted the draft resolution as amended (see para. 51 below, draft resolution V).

Draft resolution 6

18. At its 51st meeting, the Committee adopted draft resolution 6, entitled "United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines)" (see para. 51 below, draft resolution VI).

Draft resolution 7

19. At its 51st meeting, the Committee accepted the amendment proposed by the United States of America to paragraph 13 of the annex to draft resolution 7, entitled "United Nations Rules for the Protection of Juveniles Deprived of their Liberty".

20. At the same meeting, the Committee adopted the draft resolution as amended (see para. 51 below, draft resolution VII).

21. After the adoption of the draft resolution, the representative of the United States of America made a statement.

Draft resolution 8

22. At its 51st meeting, the Committee adopted draft resolution 8, entitled "Domestic violence" (see para. 51 below, draft resolution VIII).

23. After the adoption of the draft resolution, the representative of the United States of America made a statement.

Draft resolution 9

24. At its 51st meeting, the Committee adopted draft resolution 9, entitled "Instrumental use of children in criminal activities" (see para. 51 below, draft resolution IX).

Draft resolution 10

25. At the 51st meeting, the representative of the United States of America made a statement, in the course of which she withdrew the amendment to draft resolution 10, entitled "Model treaty on Extradition".

26. At the same meeting, the Committee adopted the draft resolution (see para. 51 below, draft resolution X).

27. After the adoption of the draft resolution, the representatives of the Union of Soviet Socialist Republics, the United States of America and India made statements.

Draft resolution 11

28. At its 51st meeting, the Committee adopted draft resolution 11, entitled "Model Treaty on Mutual Assistance in Criminal Matters" (see para. 51 below, draft resolution XI).

29. After the adoption of the draft resolution, the representative of India made a statement.

Draft resolution 12

30. At its 51st meeting, the Committee adopted draft resolution 12, entitled "Model Treaty on the Transfer of Proceedings in Criminal Matters" (see para. 51 below, draft resolution XII).

31. After the adoption of the draft resolution, the representative of India made a statement.

Draft resolution 13

32. At its 51st meeting, the Committee adopted draft resolution 13, entitled "Model Treaty on the Transfer of Supervision of Offenders Conditionally Sentenced or Conditionally Released" (see para. 51 below, draft resolution XIII).

33. After the adoption of the draft resolution, the representative of India made a statement.

B. *Draft resolution A/C.3/45/L.23*

34. At the 36th meeting, the representative of Italy introduced a draft resolution (A/C.3/45/L.23) entitled "Crime prevention and criminal justice: expression of appreciation to the Government and people of Cuba on the occasion of the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders".

35. At its 51st meeting, the Committee adopted the draft resolution (see para. 51 below, draft resolution XIV).

36. Before the adoption of the draft resolution, the representative of Cuba made a statement.

37. Also before the adoption of the draft resolution, the representative of the United States of America made a statement in which she informed the Committee that her delegation would not participate in the action on the draft resolution.

C. *Draft resolution A/C.3/45/L.29 and Rev.1*

38. At the 36th meeting, the representative of Cuba, also on behalf of Italy, introduced a draft resolution (A/C.3/45/L.29) entitled "Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders". The draft resolution read as follows:

"*The General Assembly*,

[*Text of the first to eleventh preambular paragraphs and paragraphs 1 and 2 identical to the corresponding paragraphs of draft resolution XV in paragraph 51 below.*]

"*Bearing in mind* the theme of the Eighth Congress, "International co-operation in crime prevention and criminal justice for the twenty-first century", and the importance of preserving peace, freedom and justice as essential conditions for development and international co-operation,

"*Welcoming* the fact that the Eighth Congress, in pursuance of that theme, paid particular attention to the question of crime prevention and criminal justice in the context of development and the realities and perspectives of international co-operation in this field; underlined the need for granting this question a higher priority at the United Nations system level; and recommended major instruments to facilitate inter-State co-operation against crime, giving particular attention to the role of criminal law in environmental protection, the linkage between illicit drug trafficking, organized crime and terrorist criminal activities, the efficiency and effectiveness of criminal justice, the computerization of criminal justice and the non-institutional treatment of offenders, the prevention of juvenile delinquency, and identifying other priority areas for practical action in accordance with the requests of the General Assembly,[13]

"*Recognizing* that the work-load of the United Nations Secretariat has increased rapidly in recent years,

"*Aware* that the prevention of crime and criminal justice must be considered not only in the context of public systems, social and cultural values and social evolution, but also in the context of consistent economic development,

"*Alarmed* by the growing threat of organized crime whose destabilizing and corrupting influence on basic economic and political institutions poses a challenge that demands more effective international co-operation,

"*Considering* that the formulation and implementation of rules and guidelines in the field of crime prevention and criminal justice provide a basis for the introduction of improvements in criminal justice at the national and regional levels and facilitate the establishment of related international co-operation mechanisms,

"*Reaffirming* its determination to improve regional, interregional and international co-operation to foster further progress in this area, including full and effective implementation of the recommendations of the Eighth Congress,

"*Having considered* the report of the Eighth Congress,[13] the report of the Secretary-General on the implementation of the resolutions and recommendations of the Seventh Congress (A/45/324) and the report of the Secretary-General on the implementation of the conclusions of the Eighth Congress (A/45/629), submitted in pursuance of resolution 44/72,

"3. *Endorses* the resolutions adopted by the Eighth Congress[14] and invites Governments to be guided by them in the formulation of appropriate legislation and policy directives, making continuous efforts to implement the principles contained in them and in the instruments approved by the previous congresses and other relevant resolutions and recommendations, in accordance with the economic, social, cultural and political circumstances of each country;

"4. *Invites* Member States to monitor systematically the steps being taken to ensure co-ordination of efforts in the planning and execution of effective and humane measures to reduce the social costs of crime and its negative effects on the development process, as well as to continue to explore new avenues for international co-operation in this field;

"5. *Invites* the Committee on Crime Prevention and Control at its twelfth session to examine the implications of the resolutions and recommendations of the Eighth Congress for the programmes of the United Nations system and to make specific recommendations on the implementation of the resolutions and recommendations in its report to the Economic and Social Council at its first regular session of 1992;

"6. *Requests* the Economic and Social Council to examine, at its first regular session of 1992, the report of the Committee on Crime Prevention and Control referred to in paragraph 5 above, in order to provide, within the United Nations system, overall policy guidance in crime prevention and criminal justice, and to undertake periodically the review, monitoring and appraisal of the resolutions and recommendations of the Eighth Congress;

"7. *Emphasizes* the urgent need to be responsive to the calls of the Eighth Congress for strengthening the operational aspects of the United Nations programme of work in crime prevention and criminal justice, with a view to assisting interested countries in developing self-reliant and adequate law enforcement and judicial structures;

"8. *Urges* all entities of the United Nations system, including the regional commissions and the institutes for crime prevention and the treatment of offenders and the relevant non-governmental organizations having consultative status with the Economic and Social Council to become actively involved in the implementation of the resolutions and recommendations of the Eighth Congress;

"9. *Also urges* the Department of Technical Co-operation for Development of the Secretariat, the United Nations Development Programme and other pertinent bodies to give full support to projects of technical assistance, in particular to developing countries, in the field of crime prevention and criminal justice and to encourage technical co-operation among developing countries;

"10. *Requests* the Secretary-General to make every effort to translate into action, as appropriate, the relevant recommendations and policies stemming from the Eighth Congress;

"11. *Also requests* the Secretary-General to take the necessary steps to provide the additional resources required to ensure that the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs of the Secretariat is able to discharge its responsibilities in accordance with the increasing mandates and new tasks recommended by the Eighth Congress;

"12. *Further requests* the Secretary-General to include, in the proposed programme budget for the biennium 1992-1993, programme and resources proposals for long-term resolution of the problems posed by the implementation of existing mandates and to provide the necessary human and financial resources for the enlargement of advisory services and the expansion of training activities, particularly under section 24 of the regular budget, concerning technical co-operation;

"13. *Requests* the Secretary-General to circulate the report of the Eighth Congress to Member States and intergovernmental and non-governmental organizations in order to ensure that it is disseminated as widely as possible, and to strengthen public information activities in this field;

"14. *Also requests* the Secretary-General to submit to the General Assembly, at its forty-sixth session, a report on the measures taken to implement the present resolution;

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[14] *Ibid.*, chap. I.

"15. *Decides* to include in the provisional agenda of its forty-sixth session the item entitled 'Crime prevention and criminal justice'."

39. The Committee had before it also a statement of the programme budget implications (A/C.3/45/L.37) of the draft resolution, submitted by the Secretary-General in accordance with rule 153 of the rules of procedure of the General Assembly.

40. At the 51st meeting, the representative of Cuba, also on behalf of Italy, introduced a revised version (A/C.3/45/L.29/Rev.1) of the draft resolution.

41. The Committee had before it also a statement of the programme budget implications (A/C.3/45/L.37/Add.1) of the revised draft resolution, submitted by the Secretary-General in accordance with rule 153 of the rules of procedure of the General Assembly.

42. At the same meeting, the Committee adopted the revised draft resolution (see para. 51 below, draft resolution XV).

43. After the adoption of the draft resolution, the representative of the United States of America made a statement.

D. *Draft resolution A/C.3/45/L.30*

44. At the 36th meeting, the representative of Yugoslavia introduced a draft resolution (A/C.3/45/L.30) entitled "Criminal justice education", sponsored by Australia, the Byelorussian Soviet Socialist Republic, Canada, China, Cuba, Hungary, Indonesia, Italy, Jordan, Nigeria, the Sudan, Uganda, the Ukrainian Soviet Socialist Republic, the Union of Soviet Socialist Republics, the United Republic of Tanzania and Yugoslavia. Subsequently, Barbados joined in sponsoring the draft resolution.

45. At its 51st meeting, the Committee adopted the draft resolution (see para. 51 below, draft resolution XVI).

46. After the adoption of the draft resolution, the representative of the United Kingdom of Great Britain and Northern Ireland made a statement.

E. *Draft resolution A/C.3/45/L.33*

47. At the 36th meeting, the representative of the Union of Soviet Socialist Republics introduced a draft resolution (A/C.3/45/L.33) entitled "International co-operation in combating organized crime", sponsored by Australia, Austria, Bulgaria, the Byelorussian Soviet Socialist Republic, Canada, Colombia, Costa Rica, Czechoslovakia, France, Germany, Greece, Hungary, Italy, the Netherlands, Norway, Poland, the Ukrainian Soviet Socialist Republic, the Union of Soviet Socialist Republics, the United States of America and Yugoslavia. Subsequently, Romania and Turkey joined in sponsoring the draft resolution.

48. At its 51st meeting, the Committee adopted the draft resolution (see para. 51 below, draft resolution XVII).

F. *Draft decision A/C.3/45/L.102*

49. At the 62nd meeting, the representative of Sweden introduced a draft decision (A/C.3/45/L.102) entitled "Crime prevention and criminal justice".

50. At the same meeting, the Committee adopted the draft decision (see para. 52 below).

Recommendations of the Third Committee

51. The Third Committee recommends to the General Assembly the adoption of draft resolutions I to XVII below:

Draft resolution I

INTERNATIONAL CO-OPERATION FOR CRIME PREVENTION AND CRIMINAL JUSTICE IN THE CONTEXT OF DEVELOPMENT

The General Assembly,

Reaffirming the purposes and principles of the United Nations and the commitment of all States to respect the obligations assumed by them, in accordance with the Charter of the United Nations,

Convinced that crime prevention and criminal justice in the context of development should be oriented towards the observance of the principles contained in the Caracas Declaration,[15] the Milan Plan of Action,[16] the Guiding Principles for Crime Prevention and Criminal Justice in the Context of Development and a New International Economic Order[17] and other relevant resolutions and recommendations of the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

Recalling its resolution 43/99 of 8 December 1988, in which it stressed the need for Member States to continue to make concerted and systematic efforts to strengthen international co-operation in crime prevention and criminal justice, as identified in the Milan Plan of Action, and to facilitate the adoption by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders of viable and constructive action-oriented strategies against crime,

Recalling also its resolution 44/72 of 8 December 1989,

Recalling further Economic and Social Council resolution 1989/68 of 24 May 1989, in which the Council reaffirmed its conviction of the importance of the programme of the United Nations in the field of crime prevention and criminal justice and the necessity of strengthening it in order to make it fully responsive to the needs and expectations of Member States,

Adopts the recommendations on international co-operation for crime prevention and criminal justice in the context of development, as contained in the annex to the present resolution.

ANNEX

Recommendations on international co-operation for crime prevention and criminal justice in the context of development

A. CRIME PREVENTION AND CRIMINAL JUSTICE IN THE CONTEXT OF DEVELOPMENT

1. Governments should reaffirm their commitment to respect the existing international treaties and their adherence to principles expressed in the Charter of the United Nations and in other relevant international instruments. Crime can also be prevented by ensuring that those principles are not sacrificed.

2. Member States should intensify the struggle against international crime by respecting and promoting the rule of law and legality in international relations and, for that purpose, they should complete and further develop international criminal law, fully implement the obligations following from international treaties and instruments in this field (*pacta sunt*

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[15] Resolution 35/171, annex.

[16] See *Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August-6 September 1985: report prepared by the Secretariat* (United Nations publication, Sales No. E.86.IV.1), chap. I, sect. A.

[17] *Ibid.*, sect. B.

servanda), and examine their national legislation in order to ensure that it meets the needs of international criminal law.

3. Governments should accord priority attention to the promulgation and implementation of appropriate laws and regulations to control and combat transnational crime and illegal international transactions, especially by the provision of proper collaborative schemes and trained personnel. Also, national laws should be reviewed in order to ensure a more effective and adequate response to the new forms of criminal activity, not only through the application of criminal penalties, but also through civil or administrative measures.

4. The national, regional and international aspects of growing pollution and the exploitation and destruction of the environment should be recognized and controlled as a matter of urgency, in view of the increasing and alarming devastation, deriving from various sources. Besides measures of administrative law and liability under civil law, the role of criminal law as an instrument that can help to achieve such control should be kept under review. The desirability of elaborating guiding principles for the prevention of crimes against the environment should be considered.

5. In view of the fact that advanced technology and specialized technical knowledge are employed in criminal activities pursued in international trade and commerce, including computer fraud, by the misuse of banking facilities and the manipulation of tax laws and customs regulations, law enforcement and criminal justice officials should be properly trained and provided with adequate legal and technical means to be able to detect and investigate such offences. The co-ordination and co-operation of other relevant agencies at the national level should be ensured and their capacities further improved. The development and strengthening of direct arrangements of international co-operation between the various agencies of national criminal justice systems should also be pursued.

6. Since even legitimate enterprises, organizations and associations may sometimes be involved in transnational criminal activities affecting national economies, Governments should adopt measures for the control of such activities. They should also collect information from various sources so as to have a solid base for the detection and punishment of enterprises, organizations and associations, their officials, or both, if they are involved in such criminal activities, with a view also to preventing similar conduct in the future.

7. Note should be taken of the fact that many countries lack adequate laws to deal with the emerging manifestations of transnational crime and that the adoption and implementation of appropriate instruments and measures to prevent this type of criminality are urgently needed. In this regard, the exchange of information on existing laws and regulations should be encouraged in order to facilitate the dissemination and adoption of appropriate measures.

8. Because the corrupt activities of public officials can destroy the potential effectiveness of all types of governmental programmes, hinder development, and victimize individuals and groups, it is of crucial importance that all nations should (*a*) review the adequacy of their criminal laws, including procedural legislation, in order to respond to all forms of corruption and related actions designed to assist or to facilitate corrupt activities, and should have recourse to sanctions that will ensure adequate deterrence; (*b*) devise administrative and regulatory mechanisms for the prevention of corrupt practices or the abuse of power; (*c*) adopt procedures for the detection, investigation and conviction of corrupt officials; (*d*) create legal provisions for the forfeiture of funds and property from corrupt practices; and (*e*) take appropriate measures against enterprises involved in corruption. The Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs of the Secretariat should coordinate the elaboration of materials to assist countries in these efforts, including the development of a manual to combat corruption, and should provide specialized training to judges and prosecutors that would qualify them to deal with the technical aspects of corruption, as well as with the experiences derived from specialized courts handling such matters.

9. Noting the alarming threat posed by illicit trafficking in narcotic drugs and psychotropic substances, which is among the worst crimes that humanity is facing, and the action taken by United Nations drug control units and bodies in this field, and concerned that, despite all the efforts made at the national, regional and international levels, this phenomenon persists unabated, it is important that efforts to combat this type of criminality be given a central place in all crime prevention and criminal justice plans and programmes. The work of the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs in this area should be strengthened. Special assistance should be extended to developing countries for the implementation of drug abuse control programmes and the elaboration of collaborative prevention and control strategies.

10. The process of developing comprehensive model codes, especially at the regional and subregional levels, to combat crimes of transnational and international dimensions, should be encouraged. Also, efforts should be made to harmonize national criminal laws, so as to make them fully responsive to the realities and ramifications of such crimes. Practical arrangements, such as extradition, mutual assistance in criminal justice and the sharing and exchange of expertise and information, should be pursued. Adequate attention should be given to effective enforcement mechanisms in order to minimize the consequences of transborder crimes, including their effect on countries not directly involved.

11. Appropriate educational policies should be developed for making the populations of Member States more sensitive to the problem through formal educational systems and general public information programmes, with a view to promoting awareness of the ways and means by which criminal victimization can be avoided, as well as acquainting the public at large with the objectives and processes of the criminal justice system.

12. In recognition of the need for specific preventive measures related to such types of criminality as burglary, violent theft and street crime, an inventory of preventive measures should be prepared by the United Nations on the basis of an in-depth assessment and evaluation of their effectiveness in various cultural, social, economic and political contexts.

13. With respect to the victims of crime and abuse of power, a guide containing an inventory of comprehensive measures for education on the prevention of victimization, and on the protection of, and assistance and compensation to, victims should be prepared. This guide should be applied in accordance with the legal, socio-cultural and economic circumstances of each nation, taking into account the important role of non-governmental organizations in this sphere.

14. In view of its crucial function in crime prevention, the criminal justice system should be developed on the basis of the progressive rationalization and humanization of criminal laws and procedures, sentencing policies and dispositional alternatives, within the overall framework of social justice and societal aspirations.

15. A systematic approach to crime prevention planning should be pursued to provide for the incorporation of crime prevention policies into national development planning, starting from an overall reassessment of substantive criminal and procedural laws whenever appropriate. This approach would include the introduction of the processes of decriminalization, depenalization and diversion, as well as reforms of procedures that would ensure the support of members of the public and review of existing policies with a view to assessing their impact. It would also include appropriate links to be established between the criminal justice system and other development sectors, including education, employment, health, social policy and other related fields.

16. The trial process should be consonant with the cultural realities and social values of society, in order to make it understood and to permit it to operate effectively within the community it serves. Observance of human rights, equality, fairness and consistency should be ensured at all stages of the process.

B. INTERNATIONAL, SCIENTIFIC AND TECHNICAL CO-OPERATION

17. In order to increase the effectiveness of international co-operation in crime prevention and criminal justice, concerted efforts should be made towards (*a*) the ratification and implementation of existing international instruments; (*b*) the development of bilateral and multilateral instruments; and (*c*) the preparation and elaboration of model instruments and standards for use at the national, bilateral, multilateral, subregional, regional and interregional levels.

18. The formulation of international instruments, standards and norms should include the following specific areas of concern: (*a*) judicial assistance treaties, in particular between common law and civil law countries, dealing with the means for obtaining evidence conforming to the requirements of the requesting State; (*b*) development of standardized requests for extradition and mutual assistance; (*c*) development of the means of providing assistance to victims of crime and abuse of power, with emphasis on the implementation of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power,[18] and of providing adequate protection for witnesses; (*d*) further consideration of issues of transnational jurisdiction in order to assist in the process of responding to requests for extradition and mutual assistance and in the implementation of international instruments; and (*e*) elaboration of standards for international assistance in respect of bank secrecy, facilitating the seizure and confiscation of proceeds in bank accounts derived from criminal acts. In particular, banks and other financial institutions should be urged to standardize their reporting requirements and

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[18] Resolution 40/34, annex.

documents so that these can be used more rapidly and effectively as evidence. More effective international standards to inhibit the laundering of money and investment connected with criminal activities, such as narcotics trafficking and terrorism, should also be developed.

19. Member States, intergovernmental and non-governmental organizations and international, national and private funding agencies should assist the United Nations in the establishment and operation of a global crime prevention and criminal justice information network. Member States are urged to contribute to this endeavour by financing equipment and expertise. Consideration should also be given to determining the categories of criminal justice data that can be provided and exchanged on a regular basis.

20. In accordance with the numerous decisions and resolutions of relevant organs of the United Nations, including the quinquennial United Nations congresses on the prevention of crime and the treatment of offenders, measures should be taken to strengthen programmes of international technical and scientific co-operation in the field of crime prevention and criminal justice on a bilateral and multilateral basis, as substantive components of broader development programmes, taking into account the special needs of developing countries and, in particular, the worsening socio-economic situation in many of them, which contributes to the increase of structural inequality and criminality.

21. In order to formulate and develop proper regional and interregional strategies of international, technical and scientific co-operation in combating crime and improving the effectiveness of preventive and criminal justice activities, the programmes of technical and scientific co-operation should be directed especially towards *(a)* reinforcement of the technical capacities of the criminal justice agencies; *(b)* an upgrading of the human and technical resources in all sectors of the criminal justice system in order to stimulate technical assistance, model and demonstration projects, research activities and training programmes, in close co-operation with the United Nations institutes for the prevention of crime and the treatment of offenders and competent non-governmental organizations; *(c)* the further development and improvement, at the national, regional, interregional and international levels, of information bases for the collection, analysis and dissemination of data on crime trends, innovative ways and methods of crime prevention and control, and the operation of criminal justice agencies, in order to provide an appropriate basis for policy-formulation and programme implementation; *(d)* the promotion, through educational programmes and training activities, of the implementation of United Nations norms, guidelines and standards in crime prevention and criminal justice; and *(e)* the elaboration and implementation of joint strategies and collaborative arrangements to deal with crime problems of mutual concern.

22. The Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs, as the focal point of United Nations activities in this field, the United Nations institutes for the prevention of crime and the treatment of offenders, the co-operating entities like the Arab Security Studies and Training Centre, the interregional advisory services in crime prevention and criminal justice, and other relevant United Nations bodies, as well as intergovernmental and non-governmental organizations enjoying consultative status with the Economic and Social Council, should be strengthened so as to increase the scope of their operations, improve their co-ordination and diversify forms and methods of technical and scientific co-operation.

23. The role of the Committee on Crime Prevention and Control as the principal body dealing with crime prevention and criminal justice matters, which is entrusted, *inter alia*, with the preparations for the United Nations congresses on the prevention of crime and the treatment of offenders, should be further enhanced so as to enable it to fulfil its important functions.

24. The capacity of the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs, as the only professional and specialized entity within the United Nations system with overall responsibility for its crime prevention and criminal justice programme, should be strengthened in terms of both human and financial resources. Prompt implementation of the General Assembly and Economic and Social Council resolutions related thereto is urgently needed. In particular, priority attention should be given to the implementation of paragraphs 4 and 5 of General Assembly resolution 42/59 of 30 November 1987, in which the Assembly approved the recommendations contained in Economic and Social Council resolutions 1986/11 and 1987/53, concerning the review of the functioning and programme of work of the United Nations in the field of crime prevention and criminal justice,[19] and requested the Secretary-General, *inter alia*, to take measures to ensure that the programme of work is supported by adequate resources; and paragraph 3 *(a)* of Economic and Social Council resolution 1987/53, in which the Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs as a specialized body and facilitating agent in the field of crime prevention and criminal justice. Attention should also be given to other relevant resolutions of the General Assembly and the Economic and Social Council, as well as to the recommendations of the regional preparatory meetings for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders and of the Committee on Crime Prevention and Control.

25. The United Nations institutes for the prevention of crime and the treatment of offenders should further develop their research, training and technical assistance capacities, and widen their collaborative networks through more extensive reliance on non-governmental organizations and national research and educational institutions, in order to meet the growing requests from developing countries for technical and scientific assistance. The Governments concerned, relevant regional bodies and organizations and United Nations entities should actively assist the United Nations institutes for the prevention of crime and the treatment of offenders, and, in particular, should assist the African Institute for the Prevention of Crime and the Treatment of Offenders, in consolidating its status and further promoting its activities.

26. Governments should be invited to fund regional advisory services in their regions, directly or through the United Nations Development Programme, so as to develop further and complement existing structures and possibilities in this field. The regional commissions should be encouraged to do likewise and should be supported in their efforts to that end.

27. Special attention should be paid to strengthening the collaborative ties in the field of crime prevention and criminal justice between the Centre for Social Development and Humanitarian Affairs and the Department of Technical Co-operation for Development of the Secretariat, the United Nations Development Programme, the World Bank and other relevant entities, with a view to ensuring adequate resources for technical co-operation activities in crime prevention and criminal justice. Interested Governments should give priority to the inclusion of crime prevention and criminal justice projects in the national and regional programmes proposed for the support of the United Nations Development Programme.

28. In order to fully implement the mandates emerging from the crime prevention and criminal justice programme and to provide additional technical and scientific expertise and resources for matters of international co-operation in this field, broader involvement of, and assistance by, non-governmental organizations are required.

29. Governments and other funding agencies should contribute to the United Nations Trust Fund for Social Defence in order to enable the United Nations to implement, in an adequate and effective manner, programmes of technical and scientific co-operation in this field.

Draft resolution II

REVIEW OF THE FUNCTIONING AND PROGRAMME OF WORK OF THE UNITED NATIONS IN CRIME PREVENTION AND CRIMINAL JUSTICE

The General Assembly,

Aware of the responsibility assumed by the United Nations in the field of crime prevention and criminal justice in pursuance of Economic and Social Council resolution 155 C (VII) of 13 August 1948 and General Assembly resolution 415 (V) of 1 December 1950,

Recalling its resolutions 40/32 of 29 November 1985, 41/107 of 4 December 1986, 42/59 of 30 November 1987, 43/99 of 8 December 1988 and 44/72 of 8 December 1989, and Economic and Social Council resolutions 1986/11 of 21 May 1986, 1987/53 of 28 May 1987, 1988/44 of 27 May 1988 and 1989/68 of 24 May 1989, and taking note of Council resolution 1990/27 of 24 May 1990,

Recognizing the increasingly transnational character and dimensions of crime and also recognizing that the new, organized and sophisticated forms of crime call for concerted international action,

Alarmed by the high human and material costs of crime and aware that its consequences involve a substantial drain on the economies of Member States, and loss and damage to the victims of crime,

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[19] See E/1987/43.

Convinced of the urgent need for more effective and responsive international mechanisms to assist countries and facilitate joint strategies in areas of mutual concern,

Noting that the Committee on Crime Prevention and Control, in its resolution 10/1 of 31 August 1988,[20] requested its Chairman to appoint a sub-committee to provide an overview of the magnitude of the problem of crime in its economic, criminological, social and juridical aspects, to assess the most efficient means of stimulating practical international action in support of Member States and, in particular, the role of the United Nations in that regard, and to make recommendations to the Committee, at its eleventh session, concerning the most effective mechanisms for the implementation of the conclusions of the overview, and noting that a report on these matters was prepared by the sub-committee appointed by the Chairman, which was considered, reviewed, revised and approved by the Committee by its resolution 11/3 of 16 February 1990,[21] at its eleventh session,

Noting also that the General Assembly, in its resolution 44/72, invited the Committee on Crime Prevention and Control, at its eleventh session, to give priority attention to the conclusions and recommendations of its sub-committee and to consider appropriate follow-up thereto by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

Taking note with appreciation of the report of the Committee on Crime Prevention and Control entitled "The need for the creation of an effective international crime and justice programme"[22] and noting the endorsement of the report by the Eighth Congress, as well as the deliberations of the Congress thereon,[23]

1. *Decides* to establish an intergovernmental working group, which, on the basis of the report of the Committee on Crime Prevention and Control entitled "The need for the creation of an effective international crime and justice programme", would produce a report elaborating proposals for an effective crime prevention and criminal justice programme and suggesting how that programme could most appropriately be implemented, and, accordingly, requests the President of the General Assembly, in consultation with the chairmen of the regional groups, to appoint no more than thirty Member States on the basis of the principle of equitable geographical distribution to constitute the membership of the working group;

2. *Invites* Member States, in consultation with the Secretary-General and the Chairman of the Committee on Crime Prevention and Control, to convene an early ministerial meeting:

(*a*) To consider the report of the intergovernmental working group in order to decide what the future crime prevention and criminal justice programme should be;

(*b*) To consider, in this context, the possible need for a convention or other international instrument to develop the content, structure and dynamics of that programme, including mechanisms for setting priorities, securing the implementation of the programme and monitoring the results achieved;

3. *Requests* the Secretary-General, in preparation for the ministerial meeting, to assess the possible implications of the programme proposed by the intergovernmental working group for the resources and organization of the Secretariat and to report thereon to the ministerial meeting and to the Committee on Crime Prevention and Control;

4. *Also requests* the Secretary-General to take all practical measures to ensure rapid implementation of General Assembly resolutions 42/59 and 44/72 and Economic and Social Council resolutions 1986/11, 1987/53, 1989/68 and 1990/27, in so far as they relate to the strengthening and upgrading of the status of the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs of the Secretariat, taking into account the demands on the Branch that will be created by the preparations for the meeting of the intergovernmental working group and the ministerial meeting and by the current and expected programme, including the conclusions and recommendations of the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders;

5. *Invites* Member States to provide active support and assistance for the development of an effective international crime prevention and criminal justice programme and of viable mechanisms for implementing it;

6. *Decides* that the conclusions and recommendations of the ministerial meeting should be brought to the attention of the General Assembly, under the item entitled "Crime prevention and criminal justice", for appropriate action.

Draft resolution III

COMPUTERIZATION OF CRIMINAL JUSTICE

The General Assembly,

Recalling its resolution 44/72 of 8 December 1989, in which the question of computerization of criminal justice was addressed,

Recalling also resolution 9 of the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders[24] on the development of crime and criminal justice information and statistical systems,

Recalling further Economic and Social Council resolution 1986/12 of 21 May 1986,

Bearing in mind the recommendations on the computerization of criminal justice administration contained in the report of the Interregional Preparatory Meeting for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders on topic II, "Criminal justice policies in relation to problems of imprisonment, other penal sanctions and alternative measures",[25] which emanated from the European Seminar on Computerization of Criminal Justice Information Systems: Realities, Methods, Prospects and Effects, held at Popowo, Poland, from 18 to 22 May 1987,

Aware that crime poses a serious problem for the personal security of individuals and for their enjoyment of human rights, thereby adversely affecting the quality of life and harming the development process,

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[20] See *Official Records of the Economic and Social Council, 1988, Supplement No. 10* (E/1988/20), chap. I, sect. C.

[21] *Ibid., 1990, Supplement No. 10* (E/1990/31), chap. I, sect. D.

[22] E/1990/31/Add.1.

[23] See A/CONF.144/28, chap. IV.

[24] See *Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August–6 September 1985: report prepared by the Secretariat* (United Nations publication, Sales No. E.86.IV.1), chap. I, sect. E.

[25] See A/CONF.144/IPM.4.

Aware also that inefficiencies, inequalities or failures in the administration of criminal justice may themselves infringe on the rights and personal security of individuals,

Recognizing that the computerization of criminal justice administration is an important mechanism for the promotion of the efficient and humane management of criminal justice as long as the protection of privacy, the respect for human rights and fundamental freedoms are taken into account,

Taking note with appreciation of the principles on the storage, use and protection of data enunciated in the final report of the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on guidelines for the regulation of computerized personal data files,[26]

Recognizing that computerization of criminal justice is an important mechanism for the production of statistical information that would benefit national Governments and the international community by providing data on crime trends and the operation of criminal justice systems,

Recognizing also that the growth of crime nationally and internationally calls for enhanced international co-operation,

Noting that the European Seminar and the first United Nations workshop on the computerization of criminal justice information organized within the framework of the Eighth Congress offered a suitable opportunity to share experiences and establish viable policy options on this issue,

Conscious that the promotion of the computerization of criminal justice administration among Member States requires the enhancement of technical co-operation activities,

Emphasizing the common problems faced by all Member States in the administration and computerization of criminal justice, and the fact that both developing and developed countries may, through an enhanced capacity for an exchange of information on an international level, benefit from such international co-operation in the process of computerization,

Mindful that technical co-operation requires extensive expertise and resources and new logistical arrangements for the speedy delivery of services relating to the computerization of criminal justice administration,

Noting with appreciation the draft directory of automated criminal justice information systems submitted by the Helsinki Institute for Crime Prevention and Control, affiliated with the United Nations, to the first United Nations workshop on the computerization of criminal justice information,

1. *Calls upon* the Secretary-General, to the extent that the activities referred to in the present resolution cannot be undertaken within existing resources and with available expertise, to prepare proposals for submission to potential donors in the governmental, intergovernmental and private sectors, in possible consortium, for the provision of such funding and expertise; such proposals should include pilot projects to demonstrate the value and viability of such activities, and should serve as a basis for ensuring long-term resource support from diverse sources;

2. *Requests* the Secretary-General, in co-operation with the network of United Nations institutes for the prevention of crime and the treatment of offenders, to strengthen the Global Crime and Criminal Justice Information Network by:

(*a*) Developing and distributing appropriate publications, reports and newsletters;

(*b*) Developing a directory of innovative programmes for the computerization of the administration of criminal justice;

(*c*) Organizing regional and interregional meetings, seminars and workshops on a continuing basis;

(*d*) Maintaining an up-to-date roster of individuals and organizations to form the basis of an international technical co-operation infrastructure;

(*e*) Enhancing communication between Member States by utilizing an electronic information network;

(*f*) Facilitating the exchange of criminal justice computer applications;

3. *Also requests* the Secretary-General, in co-operation with the network of United Nations institutes for the prevention of crime and the treatment of offenders, to establish a technical co-operation programme for the systematization and computerization of criminal justice in order to offer training, assess needs, formulate and execute specific projects, and to report on the results achieved to the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders;

4. *Further requests* the Secretary-General to establish an international group of experts, which would be supported by the Department of Technical Co-operation for Development of the Secretariat, would report regularly to the Secretary-General, and would have interregional representation and responsibility for:

(*a*) Reviewing and assessing national experiences in the computerization of criminal justice;

(*b*) Overseeing the establishment of the technical co-operation programme;

(*c*) Monitoring the activities of the technical co-operation programme;

(*d*) Informing Member States of the potential availability of funds and services from various donors in the governmental, intergovernmental and private sectors;

(*e*) Informing such donors of the needs of Member States for assistance;

(*f*) Consulting with relevant experts in the private sector in the field of criminal justice;

5. *Requests* that adequate information on the experience of Member States with systematization and computerization should be included in the Global Crime and Criminal Justice Information Network and that the necessary facilities for the exchange of general substantive information between Member States should be provided in the Network;

6. *Requests* the Secretary-General and Member States to pay special attention to the developing countries in providing technical assistance and co-operation for the formulation of information programmes and statistics regarding crime and criminal justice;

7. *Urges* Member States, intergovernmental and non-governmental organizations, specialized agencies and other bodies, including, in particular, the United Nations Devel-

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[26] E/CN.4/Sub.2/1988/22.

opment Programme and the World Bank, and interested entities in the private sector with technical co-operation programmes, to consider giving high priority to criminal justice systematization and computerization projects in such programmes;

8. *Also urges* Member States to assist the Secretary-General in the funding of the Global Crime and Criminal Justice Information Network, the technical co-operation programme and the work of the international group of experts;

9. *Requests* the Committee on Crime Prevention and Control, in preparing the provisional agenda for the Ninth Congress, to consider including the question of the computerization of the administration of criminal justice as one of the items, and to consider also the organization of the second United Nations workshop on the computerization of criminal justice information within the framework of the Ninth Congress in order to allow for the sharing of experiences in technical co-operation among Member States and other interested parties on the improvement of the administration of criminal justice.

Draft resolution IV

UNITED NATIONS STANDARD MINIMUM RULES FOR NON-CUSTODIAL MEASURES (THE TOKYO RULES)

The General Assembly,

Bearing in mind the Universal Declaration of Human Rights[3] and the International Covenant on Civil and Political Rights,[4] as well as other international human rights instruments pertaining to the rights of persons in conflict with the law,

Bearing in mind also the Standard Minimum Rules for the Treatment of Prisoners,[27] adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, and the important contribution of those Rules to national policies and practices,

Recalling resolution 8 of the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders[28] on alternatives to imprisonment,

Recalling also resolution 16 of the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders[24] on the reduction of the prison population, alternatives to imprisonment, and social integration of offenders,

Recalling further section XI of Economic and Social Council resolution 1986/10 of 21 May 1986, on alternatives to imprisonment, in which the Secretary-General was requested to prepare a report on alternatives to imprisonment for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders and to study that question with a view to the formulation of basic principles in that area, with the assistance of the United Nations institutes for the prevention of crime and the treatment of offenders,

Recognizing the need to develop local, national, regional and international approaches and strategies in the field of non-institutional treatment of offenders and the need to formulate standard minimum rules, as emphasized in the section of the report of the Committee on Crime Prevention and Control on its fourth session, concerning the methods and measures likely to be most effective in preventing crime and improving the treatment of offenders,[29]

Convinced that alternatives to imprisonment can be an effective means of treating offenders within the community to the best advantage of both the offenders and society,

Aware that the restriction of liberty is justifiable only from the viewpoints of public safety, crime prevention, just retribution and deterrence and that the ultimate goal of the criminal justice system is the reintegration of the offender into society,

Emphasizing that the increasing prison population and prison overcrowding in many countries constitute factors that create difficulties for the proper implementation of the Standard Minimum Rules for the Treatment of Prisoners,

Noting with appreciation the work accomplished by the Committee on Crime Prevention and Control, as well as by the Interregional Preparatory Meeting for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders on topic II, "Criminal justice policies in relation to problems of imprisonment, other penal sanctions and alternative measures", and by the regional preparatory meetings for the Eighth Congress,

Expressing its gratitude to the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders for the work accomplished in the development of standard minimum rules for non-custodial measures, as well as to the various intergovernmental and non-governmental organizations involved, in particular, the International Penal and Penitentiary Foundation for its contribution to the preparatory work,

1. *Adopts* the United Nations Standard Minimum Rules for Non-custodial Measures, contained in the annex to the present resolution, and approves the recommendation of the Committee on Crime Prevention and Control that the Rules should be known as "the Tokyo Rules";

2. *Recommends* the Tokyo Rules for implementation at the national, regional and interregional levels, taking into account the political, economic, social and cultural circumstances and traditions of countries;

3. *Calls upon* Member States to apply the Tokyo Rules in their policies and practice;

4. *Invites* Member States to bring the Tokyo Rules to the attention of, in particular, law enforcement officials, prosecutors, judges, probation officers, lawyers, victims, offenders, social services and non-governmental organizations involved in the application of non-custodial measures, as well as members of the executive, the legislature and the general public;

5. *Requests* Member States to report on the implementation of the Tokyo Rules every five years, beginning in 1994;

6. *Urges* the regional commissions, the United Nations institutes for the prevention of crime and the treatment of offenders, specialized agencies and other entities within the United Nations system, other intergovernmental organizations concerned and non-governmental organizations in consultative status with the Economic and Social Council to be actively involved in the implementation of the Tokyo Rules;

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[27] See *Human Rights: A Compilation of International Instruments* (United Nations publication, Sales No. E.88.XIV.1), sect. G.

[28] See *Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Caracas, 25 August–5 September 1980: report prepared by the Secretariat* (United Nations publication, Sales No. E.81.IV.4), chap. I, sect. B.

[29] E/CN.5/536, annex IV.

7. *Calls upon* the Committee on Crime Prevention and Control to consider, as a matter of priority, the implementation of the present resolution;

8. *Requests* the Secretary-General to take the necessary steps to prepare a commentary to the Tokyo Rules, which is to be submitted to the Committee on Crime Prevention and Control at its twelfth session for approval and further dissemination, paying special attention to the legal safeguards, the implementation of the Rules and the development of similar guidelines at the regional level;

9. *Invites* the United Nations institutes for the prevention of crime and the treatment of offenders to assist the Secretary-General in that task;

10. *Urges* intergovernmental and non-governmental organizations and other entities concerned to remain actively involved in this initiative;

11. *Requests* the Secretary-General to take steps, as appropriate, to ensure the widest possible dissemination of the Tokyo Rules, including their transmission to Governments, interested intergovernmental and non-governmental organizations and other parties concerned;

12. *Also requests* the Secretary-General to prepare every five years, beginning in 1994, a report on the implementation of the Tokyo Rules for submission to the Committee on Crime Prevention and Control;

13. *Further requests* the Secretary-General to assist Member States, at their request, in the implementation of the Tokyo Rules and to report regularly thereon to the Committee on Crime Prevention and Control;

14. *Requests* that the present resolution and the text of the annex be brought to the attention of all United Nations bodies concerned and be included in the next edition of the United Nations publication entitled *Human Rights: A Compilation of International Instruments*.

ANNEX

United Nations Standards Minimum Rules for Non-Custodial Measures (The Tokyo Rules)

I. GENERAL PRINCIPLES

1. *Fundamental aims*

1.1 The present Standard Minimum Rules provide a set of basic principles to promote the use of non-custodial measures, as well as minimum safeguards for persons subject to alternatives to imprisonment.

1.2 The Rules are intended to promote greater community involvement in the management of criminal justice, specifically in the treatment of offenders, as well as to promote among offenders a sense of responsibility towards society.

1.3 The Rules shall be implemented taking into account the political, economic, social and cultural conditions of each country and the aims and objectives of its criminal justice system.

1.4 When implementing the Rules, Member States shall endeavour to ensure a proper balance between the rights of individual offenders, the rights of victims, and the concern of society for public safety and crime prevention.

1.5 Member States shall develop non-custodial measures within their legal systems to provide other options, thus reducing the use of imprisonment, and to rationalize criminal justice policies, taking into account the observance of human rights, the requirements of social justice and the rehabilitation needs of the offender.

2. *The scope of non-custodial measures*

2.1 The relevant provisions of the present Rules shall be applied to all persons subject to prosecution, trial or the execution of a sentence, at all stages of the administration of criminal justice. For the purposes of the Rules, these persons are referred to as "offenders", irrespective of whether they are suspected, accused or sentenced.

2.2 The Rules shall be applied without any discrimination on the grounds of race, colour, sex, age, language, religion, political or other opinion, national or social origin, property, birth or other status.

2.3 In order to provide greater flexibility consistent with the nature and gravity of the offence, with the personality and background of the offender and with the protection of society and to avoid unnecessary use of imprisonment, the criminal justice system should provide a wide range of non-custodial measures, from pre-trial to post-sentencing dispositions. The number and types of non-custodial measures available should be determined in such a way that consistent sentencing remains possible.

2.4 The development of new non-custodial measures should be encouraged and closely monitored and their use systematically evaluated.

2.5 Consideration shall be given to dealing with offenders in the community, avoiding as far as possible resort to formal proceedings or trial by a court, in accordance with legal safeguards and the rule of law.

2.6 Non-custodial measures should be used in accordance with the principle of minimum intervention.

2.7 The use of non-custodial measures should be part of the movement towards depenalization and decriminalization instead of interfering with or delaying efforts in that direction.

3. *Legal safeguards*

3.1 The introduction, definition and application of non-custodial measures shall be prescribed by law.

3.2 The selection of a non-custodial measure shall be based on an assessment of established criteria in respect of both the nature and gravity of the offence and the personality, the background of the offender, the purposes of sentencing and the rights of victims.

3.3 Discretion by the judicial or other competent independent authority shall be exercised at all stages of the proceedings by ensuring full accountability and only in accordance with the rule of law.

3.4 Non-custodial measures imposing an obligation on the offender, applied before or instead of formal proceedings or trial, shall require the offender's consent.

3.5 Decisions on the imposition of non-custodial measures shall be subject to review by a judicial or other competent independent authority, upon application by the offender.

3.6 The offender shall be entitled to make a request or complaint to a judicial or other competent independent authority on matters affecting his or her individual rights in the implementation of non-custodial measures.

3.7 Appropriate machinery shall be provided for the recourse and, if possible, redress of any grievance related to non-compliance with internationally recognized human rights.

3.8 Non-custodial measures shall not involve medical or psychological experimentation on, or undue risk of physical or mental injury to, the offender.

3.9 The dignity of the offender subject to non-custodial measures shall be protected at all times.

3.10 In the implementation of non-custodial measures, the offender's rights shall not be restricted further than was authorized by the competent authority that rendered the original decision.

3.11 In the application of non-custodial measures, the offender's right to privacy shall be respected, as shall be the right to privacy of the offender's family.

3.12 The offender's personal records shall be kept strictly confidential and closed to third parties. Access to such records shall be limited to persons directly concerned with the disposition of the offender's case or to other duly authorized persons.

4. *Saving clause*

4.1 Nothing in the present Rules shall be interpreted as precluding the application of the Standard Minimum Rules for the Treatment of Prisoners,[27] the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules),[30] the Body of Principles for the Protection of All Persons under Any Form of

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[30] Resolution 40/33, annex.

Detention or Imprisonment[31] or any other human rights instruments and standards recognized by the international community and relating to the treatment of offenders and the protection of their basic human rights.

II. PRE-TRIAL STAGE

5. *Pre-trial dispositions*

5.1 Where appropriate and compatible with the legal system, the police, the prosecution service or other agencies dealing with criminal cases should be empowered to discharge the offender if they consider that it is not necessary to proceed with the case for the protection of society, crime prevention or the promotion of respect for the law and the rights of victims. For the purpose of deciding upon the appropriateness of discharge or determination of proceedings, a set of established criteria shall be developed within each legal system. For minor cases the prosecutor may impose suitable non-custodial measures, as appropriate.

6. *Avoidance of pre-trial detention*

6.1 Pre-trial detention shall be used as a means of last resort in criminal proceedings, with due regard for the investigation of the alleged offence and for the protection of society and the victim.

6.2 Alternatives to pre-trial detention shall be employed at as early a stage as possible. Pre-trial detention shall last no longer than necessary to achieve the objectives stated under rule 6.1 and shall be administered humanely and with respect for the inherent dignity of human beings.

6.3 The offender shall have the right to appeal to a judicial or other competent independent authority in cases where pre-trial detention is employed.

III. TRIAL AND SENTENCING STAGE

7. *Social inquiry reports*

7.1 If the possibility of social inquiry reports exists, the judicial authority may avail itself of a report prepared by a competent, authorized official or agency. The report should contain social information on the offender that is relevant to the person's pattern of offending and current offences. It should also contain information and recommendations that are relevant to the sentencing procedure. The report shall be factual, objective and unbiased, with any expression of opinion clearly identified.

8. *Sentencing dispositions*

8.1 The judicial authority, having at its disposal a range of non-custodial measures, should take into consideration in making its decision the rehabilitative needs of the offender, the protection of society and the interests of the victim, who should be consulted whenever appropriate.

8.2 Sentencing authorities may dispose of cases in the following ways:

(*a*) Verbal sanctions, such as admonition, reprimand and warning;

(*b*) Conditional discharge;

(*c*) Status penalties;

(*d*) Economic sanctions and monetary penalties, such as fines and day-fines;

(*e*) Confiscation or an expropriation order;

(*f*) Restitution to the victim or a compensation order;

(*g*) Suspended or deferred sentence;

(*h*) Probation and judicial supervision;

(*i*) A community service order;

(*j*) Referral to an attendance centre;

(*k*) House arrest;

(*l*) Any other mode of non-institutional treatment;

(*m*) Some combination of the measures listed above.

IV. POST-SENTENCING STAGE

9. *Post-sentencing disposition*

9.1 The competent authority shall have at its disposal a wide range of post-sentencing alternatives in order to avoid institutionalization and to assist offenders in their early reintegration into society.

9.2 Post-sentencing dispositions may include:

(*a*) Furlough and half-way houses;

(*b*) Work or education release;

(*c*) Various forms of parole;

(*d*) Remission;

(*e*) Pardon.

9.3 The decision on post-sentencing dispositions, except in the case of pardon, shall be subject to review by a judicial or other competent independent authority, upon application of the offender.

9.4 Any form of release from an institution to a non-custodial programme shall be considered at the earliest possible stage.

V. IMPLEMENTATION OF NON-CUSTODIAL MEASURES

10. *Supervision*

10.1 The purpose of supervision is to reduce reoffending and to assist the offender's integration into society in a way which minimizes the likelihood of a return to crime.

10.2 If a non-custodial measure entails supervision, the latter shall be carried out by a competent authority under the specific conditions prescribed by law.

10.3 Within the framework of a given non-custodial measure, the most suitable type of supervision and treatment should be determined for each individual case aimed at assisting the offender to work on his or her offending. Supervision and treatment should be periodically reviewed and adjusted as necessary.

10.4 Offenders should, when needed, be provided with psychological, social and material assistance and with opportunities to strengthen links with the community and facilitate their reintegration into society.

11. *Duration*

11.1 The duration of a non-custodial measure shall not exceed the period established by the competent authority in accordance with the law.

11.2 Provision may be made for early termination of the measure if the offender has responded favourably to it.

12. *Conditions*

12.1 If the competent authority shall determine the conditions to be observed by the offender, it should take into account both the needs of society and the needs and rights of the offender and the victim.

12.2 The conditions to be observed shall be practical, precise and as few as possible, and shall be aimed at reducing the likelihood of an offender relapsing into criminal behaviour and at increasing the offender's chances of social integration, taking into account the needs of the victim.

12.3 At the beginning of the application of a non-custodial measure, the offender shall receive an explanation, orally and in writing, of the conditions governing the application of the measure, including the offender's obligations and rights.

12.4 The conditions may be modified by the competent authority under the established statutory provisions, in accordance with the progress made by the offender.

13. *Treatment process*

13.1 Within the framework of a given non-custodial measure, in appropriate cases, various schemes, such as case-work, group therapy, residential programmes and the specialized treatment of various categories of offenders, should be developed to meet the needs of offenders more effectively.

13.2 Treatment should be conducted by professionals who have suitable training and practical experience.

13.3 When it is decided that treatment is necessary, efforts should be made to understand the offender's background, personality, aptitude, intelligence, values and, especially, the circumstances leading to the commission of the offence.

13.4 The competent authority may involve the community and social support systems in the application of non-custodial measures.

13.5 Case-load assignments shall be maintained as far as practicable at a manageable level to ensure the effective implementation of treatment programmes.

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[31] Resolution 43/173, annex.

13.6 For each offender, a case record shall be established and maintained by the competent authority.

14. *Discipline and breach of conditions*

14.1 A breach of the conditions to be observed by the offender may result in a modification or revocation of the non-custodial measure.

14.2 The modification or revocation of the non-custodial measure shall be made by the competent authority; this shall be done only after a careful examination of the facts adduced by both the supervising officer and the offender.

14.3 The failure of a non-custodial measure should not automatically lead to the imposition of a custodial measure.

14.4 In the event of a modification or revocation of the non-custodial measure, the competent authority shall attempt to establish a suitable alternative non-custodial measure. A sentence of imprisonment may be imposed only in the absence of other suitable alternatives.

14.5 The power to arrest and detain the offender under supervision in cases where there is a breach of the conditions shall be prescribed by law.

14.6 Upon modification or revocation of the non-custodial measure, the offender shall have the right to appeal to a judicial or other competent independent authority.

VI. STAFF

15. *Recruitment*

15.1 There shall be no discrimination in the recruitment of staff on the grounds of race, colour, sex, age, language, religion, political or other opinion, national or social origin, property, birth or other status. The policy regarding staff recruitment should take into consideration national policies of affirmative action and reflect the diversity of the offenders to be supervised.

15.2 Persons appointed to apply non-custodial measures should be personally suitable and, whenever possible, have appropriate professional training and practical experience. Such qualifications shall be clearly specified.

15.3 To secure and retain qualified professional staff, appropriate service status, adequate salary and benefits commensurate with the nature of the work should be ensured and ample opportunities should be provided for professional growth and career development.

16. *Staff training*

16.1 The objective of training shall be to make clear to staff their responsibilities with regard to rehabilitating the offender, ensuring the offender's rights and protecting society. Training should also give staff an understanding of the need to co-operate in and coordinate activities with the agencies concerned.

16.2 Before entering duty, staff shall be given training that includes instruction on the nature of non-custodial measures, the purposes of supervision and the various modalities of the application of non-custodial measures.

16.3 After entering on duty, staff shall maintain and improve their knowledge and professional capacity by attending in-service training and refresher courses. Adequate facilities shall be made available for that purpose.

VII. VOLUNTEERS AND OTHER COMMUNITY RESOURCES

17. *Public participation*

17.1 Public participation should be encouraged as it is a major resource and one of the most important factors in improving ties between offenders undergoing non-custodial measures and the family and community. It should complement the efforts of the criminal justice administration.

17.2 Public participation should be regarded as an opportunity for members of the community to contribute to the protection of their society.

18. *Public understanding and co-operation*

18.1 Government agencies, the private sector and the general public should be encouraged to support voluntary organizations that promote non-custodial measures.

18.2 Conferences, seminars, symposia and other activities should be regularly organized to stimulate awareness of the need for public participation in the application of non-custodial measures.

18.3 All forms of the mass media should be utilized to help to create a constructive public attitude, leading to activities conducive to a broader application of non-custodial treatment and the social integration of offenders.

18.4 Every effort should be made to inform the public of the importance of its role in the implementation of non-custodial measures.

19. *Volunteers*

19.1 Volunteers shall be carefully screened and recruited on the basis of their aptitude for and interest in the work involved. They shall be properly trained for the specific responsibilities to be discharged by them and shall have access to support and counselling from, and the opportunity to consult with, the competent authority.

19.2 Volunteers should encourage offenders and their families to develop meaningful ties with the community and a broader sphere of contact by providing counselling and other appropriate forms of assistance according to their capacity and the offenders' needs.

19.3 Volunteers shall be insured against accident, injury and public liability when carrying out their duties. They shall be reimbursed for authorized expenditures incurred in the course of their work. Public recognition should be extended to them for the services they render for the well-being of the community.

VIII. RESEARCH, PLANNING, POLICY FORMULATION AND EVALUATION

20. *Research and planning*

20.1 As an essential aspect of the planning process, efforts should be made to involve both public and private bodies in the organization and promotion of research on the non-custodial treatment of offenders.

20.2 Research on the problems that confront clients, practitioners, the community and policy makers should be carried out on a regular basis.

20.3 Research and information mechanisms should be built into the criminal justice system for the collection and analysis of data and statistics on the implementation of non-custodial treatment for offenders.

21. *Policy formulation and programme development*

21.1 Programmes for non-custodial measures should be systematically planned and implemented as an integral part of the criminal justice system within the national development process.

21.2 Regular evaluations should be carried out with a view to implementing non-custodial measures more effectively.

21.3 Periodic reviews should be conducted to assess the objectives, functioning and effectiveness of non-custodial measures.

22. *Linkages with relevant agencies and activities*

22.1 Suitable mechanisms should be evolved at various levels to facilitate the establishment of linkages between services responsible for non-custodial measures, other branches of the criminal justice system, social development and welfare agencies, both governmental and non-governmental, in such fields as health, housing, education and labour, and the mass media.

23. *International co-operation*

23.1 Efforts shall be made to promote scientific co-operation between countries in the field of non-institutional treatment. Research, training, technical assistance and the exchange of information among Member States on non-custodial measures should be strengthened, through the United Nations institutes for the prevention of crime and the treatment of offenders, in close collaboration with the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs of the United Nations Secretariat.

23.2 Comparative studies and the harmonization of legislative provisions should be furthered to expand the range of non-institutional options and facilitate their application across national frontiers, in accordance with the Model Treaty on the Transfer of Supervision of Offenders Conditionally Sentenced or Conditionally Released.[32]

Draft resolution V

Basic Principles for the Treatment of Prisoners

The General Assembly,

Bearing in mind the long-standing concern of the United Nations for the humanization of criminal justice and the protection of human rights,

Bearing in mind also that sound policies of crime prevention and control are essential to viable planning for economic and social development,

Recognizing that the Standard Minimum Rules for the Treatment of Prisoners,[27] adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, are of great value and influence in the development of penal policy and practice,

Considering the concern of previous United Nations congresses on the prevention of crime and the treatment of offenders, regarding the obstacles of various kinds that prevent the full implementation of the Standard Minimum Rules,

Believing that the full implementation of the Standard Minimum Rules would be facilitated by the articulation of the basic principles underlying them,

Recalling resolution 10 on the status of prisoners and resolution 17 on the human rights of prisoners, adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders,[24]

Recalling also the statement submitted at the tenth session of the Committee on Crime Prevention and Control by Caritas Internationalis, the Commission of the Churches on International Affairs of the World Council of Churches, the International Association of Educators for World Peace, the International Council for Adult Education, the International Federation of Human Rights, the International Prisoners' Aid Association, the International Union of Students, the World Alliance of Young Men's Christian Associations and the World Council of Indigenous Peoples,[33] which are non-governmental organizations in consultative status with the Economic and Social Council, category II,

Recalling further the relevant recommendations contained in the report of the Interregional Preparatory Meeting for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders on topic II, "Criminal justice policies in relation to problems of imprisonment, other penal sanctions and alternative measures",[25]

Aware that the Eighth Congress coincided with International Literacy Year, proclaimed by the General Assembly in its resolution 42/104 of 7 December 1987,

Desiring to reflect the perspective noted by the Seventh Congress, namely, that the function of the criminal justice system is to contribute to safeguarding the basic values and norms of society,

Recognizing the usefulness of drafting a declaration on the human rights of prisoners,

Affirms the Basic Principles for the Treatment of Prisoners, contained in the annex to the present resolution, and requests the Secretary-General to bring them to the attention of Member States.

ANNEX

Basic Principles for the Treatment of Prisoners

1. All prisoners shall be treated with the respect due to their inherent dignity and value as human beings.

2. There shall be no discrimination on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

3. It is, however, desirable to respect the religious beliefs and cultural precepts of the group to which prisoners belong, whenever local conditions so require.

4. The responsibility of prisons for the custody of prisoners and for the protection of society against crime shall be discharged in keeping with a State's other social objectives and its fundamental responsibilities for promoting the well-being and development of all members of society.

5. Except for those limitations that are demonstrably necessitated by the fact of incarceration, all prisoners shall retain the human rights and fundamental freedoms set out in the Universal Declaration of Human Rights,[3] and, where the State concerned is a party, the International Covenant on Economic, Social and Cultural Rights,[4] and the International Covenant on Civil and Political Rights and the Optional Protocol thereto,[4] as well as such other rights as are set out in other United Nations covenants.

6 All prisoners shall have the right to take part in cultural activities and education aimed at the full development of the human personality.

7. Efforts addressed to the abolition of solitary confinement as a punishment, or to the restriction of its use, should be undertaken and encouraged.

8. Conditions shall be created enabling prisoners to undertake meaningful remunerated employment which will facilitate their reintegration into the country's labour market and permit them to contribute to their own financial support and to that of their families.

9. Prisoners shall have access to the health services available in the country without discrimination on the grounds of their legal situation.

10. With the participation and help of the community and social institution, and with due regard to the interests of victims, favourable conditions shall be created for the reintegration of the ex-prisoner into society under the best possible conditions.

11. The above Principles shall be applied impartially.

Draft resolution VI

United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines)

The General Assembly,

Bearing in mind the Universal Declaration of Human Rights,[3] the International Covenant on Economic, Social and Cultural Rights[4] and the International Covenant on Civil and Political Rights,[4] as well as other international instruments pertaining to the rights and well-being of young persons, including relevant standards established by the International Labour Organisation,

Bearing in mind also the Declaration of the Rights of the Child,[34] the Convention on the Rights of the Child,[35] and the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules),[30]

Recalling General Assembly resolution 40/33 of 29 November 1985, by which the Assembly adopted the Beijing Rules recommended by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

Recalling that the General Assembly, in its resolution 40/35 of 29 November 1985, called for the development of standards for the prevention of juvenile delinquency which would assist Member States in formulating and implementing specialized programmes and policies, emphasizing assistance, care and community involvement, and called upon the Economic and Social Council to report to the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders on the progress achieved with respect to these standards, for review and action,

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[32] See resolution 45/119, annex.

[33] See E/AC.57/1988/NGO/3.

[34] Resolution 1386 (XIV).

[35] Resolution 44/25, annex.

Recalling also that the Economic and Social Council, in section II of its resolution 1986/10 of 21 May 1986, requested the Eighth Congress to consider the draft standards for the prevention of juvenile delinquency, with a view to their adoption,

Recognizing the need to develop national, regional and international approaches and strategies for the prevention of juvenile delinquency,

Affirming that every child has basic human rights, including, in particular, access to free education,

Mindful of the large number of young persons who may or may not be in conflict with the law but who are abandoned, neglected, abused, exposed to drug abuse, and are in marginal circumstances and in general at social risk,

Taking into account the benefits of progressive policies for the prevention of delinquency and for the welfare of the community,

1. *Notes with satisfaction* the substantive work accomplished by the Committee on Crime Prevention and Control and the Secretary-General in the formulation of the guidelines for the prevention of juvenile delinquency;

2. *Expresses appreciation* for the valuable collaboration of the Arab Security Studies and Training Centre at Riyadh, in hosting the International Meeting of Experts on the Development of the United Nations Draft Guidelines for the Prevention of Juvenile Delinquency, held at Riyadh from 28 February to 1 March 1988, in co-operation with the United Nations Office at Vienna;

3. *Adopts* the United Nations Guidelines for the Prevention of Juvenile Delinquency contained in the annex to the present resolution, to be designated "the Riyadh Guidelines";

4. *Calls upon* Member States, in their comprehensive crime prevention plans, to apply the Riyadh Guidelines in national law, policy and practice and to bring them to the attention of relevant authorities, including policy makers, juvenile justice personnel, educators, the mass media, practitioners and scholars;

5. *Requests* the Secretary-General and invites Member States to ensure the widest possible dissemination of the text of the Riyadh Guidelines in all of the official languages of the United Nations;

6. *Requests* the Secretary-General and invites all relevant United Nations offices and interested institutions, in particular, the United Nations Children's Fund, as well as individual experts, to make a concerted effort to promote the application of the Riyadh Guidelines;

7. *Also requests* the Secretary-General to intensify research on particular situations of social risk and on the exploitation of children, including the use of children as instruments of criminality, with a view to developing comprehensive countermeasures and to report thereon to the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders;

8. *Further requests* the Secretary-General to issue a composite manual on juvenile justice standards, containing the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules), the United Nations Guidelines on the Prevention of Juvenile Delinquency (The Riyadh Guidelines), and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty,[36] and a set of full commentaries on their provisions;

9. *Urges* all relevant bodies within the United Nations system to collaborate with the Secretary-General in taking appropriate measures to ensure the implementation of the present resolution;

10. *Invites* the Sub-Commission on Prevention of Discrimination and Protection of Minorities of the Commission on Human Rights to consider this new international instrument with a view to promoting the application of its provisions;

11. *Invites* Member States to support strongly the organization of technical and scientific workshops, and pilot and demonstration projects on practical issues and policy matters relating to the application of the provisions of the Riyadh Guidelines and to the establishment of concrete measures for community-based services designed to respond to the special needs, problems and concerns of young persons, and requests the Secretary-General to co-ordinate efforts in this respect;

12. *Also invites* Member States to inform the Secretary-General on the implementation of the Riyadh Guidelines and to report regularly to the Committee on Crime Prevention and Control on the results achieved;

13. *Recommends* that the Committee on Crime Prevention and Control request the Ninth Congress to review the progress made in the promotion and application of the Riyadh Guidelines and the recommendations contained in the present resolution, under a separate agenda item on juvenile justice and keep the matter under constant review.

ANNEX

United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines)

I. FUNDAMENTAL PRINCIPLES

1. The prevention of juvenile delinquency is an essential part of crime prevention in society. By engaging in lawful, socially useful activities and adopting a humanistic orientation towards society and outlook on life, young persons can develop non-criminogenic attitudes.

2. The successful prevention of juvenile delinquency requires efforts on the part of the entire society to ensure the harmonious development of adolescents, with respect for and promotion of their personality from early childhood.

3. For the purposes of the interpretation of the present Guidelines, a child-centred orientation should be pursued. Young persons should have an active role and partnership within society and should not be considered as mere objects of socialization or control.

4. In the implementation of the present Guidelines, in accordance with national legal systems, the well-being of young persons from their early childhood should be the focus of any preventive programme.

5. The need for and importance of progressive delinquency prevention policies and the systematic study and the elaboration of measures should be recognized. These should avoid criminalizing and penalizing a child for behaviour that does not cause serious damage to the development of the child or harm to others. Such policies and measures should involve:

(*a*) The provision of opportunities, in particular educational opportunities, to meet the varying needs of young persons and to serve as a supportive framework for safeguarding the personal development of all young persons, particularly those who are demonstrably endangered or at social risk and are in need of special care and protection;

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[36] See resolution 45/113, annex.

(*b*) Specialized philosophies and approaches for delinquency prevention, on the basis of laws, processes, institutions, facilities and a service delivery network aimed at reducing the motivation, need and opportunity for, or conditions giving rise to, the commission of infractions;

(*c*) Official intervention to be pursued primarily in the overall interest of the young person and guided by fairness and equity;

(*d*) Safeguarding the well-being, development, rights and interests of all young persons;

(*e*) Consideration that youthful behaviour or conduct that does not conform to overall social norms and values is often part of the maturation and growth process and tends to disappear spontaneously in most individuals with the transition to adulthood;

(*f*) Awareness that, in the predominant opinion of experts, labelling a young person as "deviant", "delinquent" or "pre-delinquent" often contributes to the development of a consistent pattern of undesirable behaviour by young persons.

6. Community-based services and programmes should be developed for the prevention of juvenile delinquency, particularly where no agencies have yet been established. Formal agencies of social control should only be utilized as a means of last resort.

II. Scope of the guidelines

7. The present Guidelines should be interpreted and implemented within the broad framework of the Universal Declaration of Human Rights,[3] the International Covenant on Economic, Social and Cultural Rights,[4] the International Covenant on Civil and Political Rights,[4] the Declaration on the Rights of the Child[34] and the Convention on the Rights of the Child,[35] and in the context of the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules),[30] as well as other instruments and norms relating to the rights, interests and well-being of all children and young persons.

8. The present Guidelines should also be implemented in the context of the economic, social and cultural conditions prevailing in each Member State.

III. General prevention

9. Comprehensive prevention plans should be instituted at every level of government and include the following:

(*a*) In-depth analyses of the problem and inventories of programmes, services, facilities and resources available;

(*b*) Well-defined responsibilities for the qualified agencies, institutions and personnel involved in preventive efforts;

(*c*) Mechanisms for the appropriate co-ordination of prevention efforts between governmental and non-governmental agencies;

(*d*) Policies, programmes and strategies based on prognostic studies to be continuously monitored and carefully evaluated in the course of implementation;

(*e*) Methods for effectively reducing the opportunity to commit delinquent acts;

(*f*) Community involvement through a wide range of services and programmes;

(*g*) Close interdisciplinary co-operation between national, state, provincial and local governments, with the involvement of the private sector, representative citizens of the community to be served, and labour, child-care, health education, social, law enforcement and judicial agencies in taking concerted action to prevent juvenile delinquency and youth crime;

(*h*) Youth participation in delinquency prevention policies and processes, including recourse to community resources, youth self-help, and victim compensation and assistance programmes;

(*i*) Specialized personnel at all levels.

IV. Socialization processes

10. Emphasis should be placed on preventive policies facilitating the successful socialization and integration of all children and young persons, in particular through the family, the community, peer groups, schools, vocational training and the world of work, as well as through voluntary organizations. Due respect should be given to the proper personal development of children and young persons, and they should be accepted as full and equal partners in socialization and integration processes.

A. *Family*

11. Every society should place a high priority on the needs and well-being of the family and of all its members.

12. Since the family is the central unit responsible for the primary socialization of children, governmental and social efforts to preserve the integrity of the family, including the extended family, should be pursued. The society has a responsibility to assist the family in providing care and protection and in ensuring the physical and mental well-being of children. Adequate arrangements including day-care should be provided.

13. Governments should establish policies that are conducive to the bringing up of children in stable and settled family environments. Families in need of assistance in the resolution of conditions of instability or conflict should be provided with requisite services.

14. Where a stable and settled family environment is lacking and when community efforts to assist parents in this regard have failed and the extended family cannot fulfil this role, alternative placements, including foster care and adoption, should be considered. Such placements should replicate, to the extent possible, a stable and settled family environment, while, at the same time, establishing a sense of permanency for children, thus avoiding problems associated with "foster drift".

15. Special attention should be given to children of families affected by problems brought about by rapid and uneven economic, social and cultural change, in particular the children of indigenous, migrant and refugee families. As such changes may disrupt the social capacity of the family to secure the traditional rearing and nurturing of children, often as a result of role and culture conflict, innovative and socially constructive modalities for the socialization of children have to be designed.

16. Measures should be taken and programmes developed to provide families with the opportunity to learn about parental roles and obligations as regards child development and child care, promoting positive parent-child relationships, sensitizing parents to the problems of children and young persons and encouraging their involvement in family and community-based activities.

17. Governments should take measures to promote family cohesion and harmony and to discourage the separation of children from their parents, unless circumstances affecting the welfare and future of the child leave no viable alternative.

18. It is important to emphasize the socialization function of the family and extended family; it is also equally important to recognize the future role, responsibilities, participation and partnership of young persons in society.

19. In ensuring the right of the child to proper socialization, Governments and other agencies should rely on existing social and legal agencies, but, whenever traditional institutions and customs are no longer effective, they should also provide and allow for innovative measures.

B. *Education*

20. Governments are under an obligation to make public education accessible to all young persons.

21. Education systems should, in addition to their academic and vocational training activities, devote particular attention to the following:

(*a*) Teaching of basic values and developing respect for the child's own cultural identity and patterns, for the social values of the country in which the child is living, for civilizations different from the child's own and for human rights and fundamental freedoms;

(*b*) Promotion and development of the personality, talents and mental and physical abilities of young people to their fullest potential;

(*c*) Involvement of young persons as active and effective participants in, rather than mere objects of, the educational process;

(*d*) Undertaking activities that foster a sense of identity with and of belonging to the school and the community;

(*e*) Encouragement of young persons to understand and respect diverse views and opinions, as well as cultural and other differences;

(*f*) Provision of information and guidance regarding vocational training, employment opportunities and career development;

(*g*) Provision of positive emotional support to young persons and the avoidance of psychological maltreatment;

(*h*) Avoidance of harsh disciplinary measures, particularly corporal punishment.

22. Educational systems should seek to work together with parents, community organizations and agencies concerned with the activities of young persons.

23. Young persons and their families should be informed about the law and their rights and responsibilities under the law, as well as the universal value system, including United Nations instruments.

24. Educational systems should extend particular care and attention to young persons who are at social risk. Specialized prevention programmes

and educational materials, curricula, approaches and tools should be developed and fully utilized.

25. Special attention should be given to comprehensive policies and strategies for the prevention of alcohol, drug and other substance abuse by young persons. Teachers and other professionals should be equipped and trained to prevent and deal with these problems. Information on the use and abuse of drugs, including alcohol, should be made available to the student body.

26. Schools should serve as resource and referral centres for the provision of medical, counselling and other services to young persons, particularly those with special needs and suffering from abuse, neglect, victimization and exploitation.

27. Through a variety of educational programmes, teachers and other adults and the student body should be sensitized to the problems, needs and perceptions of young persons, particularly those belonging to underprivileged, disadvantaged, ethnic or other minority and low-income groups.

28. School systems should attempt to meet and promote the highest professional and educational standards with respect to curricula, teaching and learning methods and approaches, and the recruitment and training of qualified teachers. Regular monitoring and assessment of performance by the appropriate professional organizations and authorities should be ensured.

29. School systems should plan, develop and implement extracurricular activities of interest to young persons, in co-operation with community groups.

30. Special assistance should be given to children and young persons who find it difficult to comply with attendance codes, and to "drop-outs".

31. Schools should promote policies and rules that are fair and just; students should be represented in bodies formulating school policy, including policy on discipline, and decision-making.

C. *Community*

32. Community-based services and programmes which respond to the special needs, problems, interests and concerns of young persons and which offer appropriate counselling and guidance to young persons and their families should be developed, or strengthened where they exist.

33. Communities should provide, or strengthen where they exist, a wide range of community-based support measures for young persons, including community development centres, recreational facilities and services to respond to the special problems of children who are at social risk. In providing these helping measures, respect for individual rights should be ensured.

34. Special facilities should be set up to provide adequate shelter for young persons who are no longer able to live at home or who do not have homes to live in.

35. A range of services and helping measures should be provided to deal with the difficulties experienced by young persons in the transition to adulthood. Such services should include special programmes for young drug abusers which emphasize care, counselling, assistance and therapy-oriented interventions.

36. Voluntary organizations providing services for young persons should be given financial and other support by Governments and other institutions.

37. Youth organizations should be created or strengthened at the local level and given full participatory status in the management of community affairs. These organizations should encourage youth to organize collective and voluntary projects, particularly projects aimed at helping young persons in need of assistance.

38. Government agencies should take responsibility and provide necessary services for homeless or street children; information about local facilities, accommodation, employment and other forms and sources of help should be made readily available to young persons.

39. A wide range of recreational facilities and services of particular interest to young persons should be established and made easily accessible to them.

D. *Mass media*

40. The mass media should be encouraged to ensure that young persons have access to information and material from a diversity of national and international sources.

41. The mass media should be encouraged to portray the positive contribution of young persons to society.

42. The mass media should be encouraged to disseminate information on the existence of services, facilities and opportunities for young persons in society.

43. The mass media generally, and the television and film media in particular, should be encouraged to minimize the level of pornography, drugs and violence portrayed and to display violence and exploitation disfavourably, as well as to avoid demeaning and degrading presentations, especially of children, women and interpersonal relations, and to promote egalitarian principles and roles.

44. The mass media should be aware of its extensive social role and responsibility, as well as its influence, in communications relating to youthful drug and alcohol abuse. It should use its power for drug abuse prevention by relaying consistent messages through a balanced approach. Effective drug awareness campaigns at all levels should be promoted.

V. SOCIAL POLICY

45. Government agencies should give high priority to plans and programmes for young persons and should provide sufficient funds and other resources for the effective delivery of services, facilities and staff or adequate medical and mental health care, nutrition, housing and other relevant services, including drug and alcohol abuse prevention and treatment, ensuring that such resources reach and actually benefit young persons.

46. The institutionalization of young persons should be a measure of last resort and for the minimum necessary period, and the best interests of the young person should be of paramount importance. Criteria authorizing formal intervention of this type should be strictly defined and limited to the following situations: (*a*) where the child or young person has suffered harm that has been inflicted by the parents or guardians; (*b*) where the child or young person has been sexually, physically or emotionally abused by the parents or guardians; (*c*) where the child or young person has been neglected, abandoned or exploited by the parents or guardians; (*d*) where the child or young person is threatened by physical or moral danger due to the behaviour of the parents or guardians; and (*e*) where a serious physical or psychological danger to the child or young person has manifested itself in his or her own behaviour and neither the parents, the guardians, the juvenile himself or herself nor non-residential community services can meet the danger by means other than institutionalization.

47. Government agencies should provide young persons with the opportunity of continuing in full-time education, funded by the State where parents or guardians are unable to support the young persons, and of receiving work experience.

48. Programmes to prevent delinquency should be planned and developed on the basis of reliable, scientific research findings, and periodically monitored, evaluated and adjusted accordingly.

49. Scientific information should be disseminated to the professional community and to the public at large about the sort of behaviour or situation which indicates or may result in physical and psychological victimization, harm and abuse, as well as exploitation, of young persons.

50. Generally, participation plans and programmes should be voluntary. Young persons themselves should be involved in their formulation, development and implementation.

51. Governments should begin or continue to explore, develop and implement policies, measures and strategies within and outside the criminal justice system to prevent domestic violence against and affecting young persons and to ensure fair treatment to these victims of domestic violence.

VI. LEGISLATION AND JUVENILE JUSTICE ADMINISTRATION

52. Governments should enact and enforce specific laws and procedures to promote and protect the rights and well-being of all young persons.

53. Legislation preventing the victimization, abuse, exploitation and the use for criminal activities of children and young persons should be enacted and enforced.

54. No child or young person should be subjected to harsh or degrading correction or punishment measures at home, in schools or in any other institutions.

55. Legislation and enforcement aimed at restricting and controlling accessibility of weapons of any sort to children and young persons should be pursued.

56. In order to prevent further stigmatization, victimization and criminalization of young persons, legislation should be enacted to ensure that any conduct not considered an offence or not penalized if committed by an adult is not considered an offence and not penalized if committed by a young person.

57. Consideration should be given to the establishment of an office of ombudsman or similar independent organ, which would ensure that the status, rights and interests of young persons are upheld and that proper

referral to available services is made. The ombudsman or other organ designated would also supervise the implementation of the Riyadh Guidelines, the Beijing Rules and the Rules for the Protection of Juveniles Deprived of their Liberty. The ombudsman or other organ would, at regular intervals, publish a report on the progress made and on the difficulties encountered in the implementation of the instrument. Child advocacy services should also be established.

58. Law enforcement and other relevant personnel, of both sexes, should be trained to respond to the special needs of young persons and should be familiar with and use, to the maximum extent possible, programmes and referral possibilities for the diversion of young persons from the justice system.

59. Legislation should be enacted and strictly enforced to protect children and young persons from drug abuse and drug traffickers.

VII. Research, policy development and co-ordination

60. Efforts should be made and appropriate mechanisms established to promote, on both a multidisciplinary and an intradisciplinary basis, interaction and co-ordination between economic, social, educational and health agencies and services, the justice system, youth, community and development agencies and other relevant institutions.

61. The exchange of information, experience and expertise gained through projects, programmes, practices and initiatives relating to youth crime, delinquency prevention and juvenile justice should be intensified at the national, regional and international levels.

62. Regional and international co-operation on matters of youth crime, delinquency prevention and juvenile justice involving practitioners, experts and decision makers should be further developed and strengthened.

63. Technical and scientific co-operation on practical and policy-related matters, particularly in training, pilot and demonstration projects, and on specific issues concerning the prevention of youth crime and juvenile delinquency should be strongly supported by all Governments, the United Nations system and other concerned organizations.

64. Collaboration should be encouraged in undertaking scientific research with respect to effective modalities for youth crime and juvenile delinquency prevention and the findings of such research should be widely disseminated and evaluated.

65. Appropriate United Nations bodies, institutes, agencies and offices should pursue close collaboration and co-ordination on various questions related to children, juvenile justice and youth crime and juvenile delinquency prevention.

66. On the basis of the present Guidelines, the United Nations Secretariat, in co-operation with interested institutions, should play an active role in the conduct of research, scientific collaboration, the formulation of policy options and the review and monitoring of their implementation, and should serve as a source of reliable information on effective modalities for delinquency prevention.

Draft resolution VII

United Nations Rules for the Protection of Juveniles Deprived of their Liberty

The General Assembly,

Bearing in mind the Universal Declaration of Human Rights,[3] the International Covenant on Civil and Political Rights,[4] the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment[37] and the Convention on the Rights of the Child,[35] as well as other international instruments relating to the protection of the rights and well-being of young persons,

Bearing in mind also the Standard Minimum Rules for the Treatment of Prisoners[27] adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

Bearing in mind further the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, approved by the General Assembly by its resolution 43/173 of 9 December 1988 and contained in the annex thereto,

Recalling the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules),[30]

Recalling also resolution 21 of the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders,[24] in which the Congress called for the development of rules for the protection of juveniles deprived of their liberty,

Recalling further that the Economic and Social Council, in section II of its resolution 1986/10 of 21 May 1986, requested the Secretary-General to report on progress achieved in the development of the rules to the Committee on Crime Prevention and Control at its tenth session and requested the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders to consider the proposed rules with a view to their adoption,

Alarmed at the conditions and circumstances under which juveniles are being deprived of their liberty world wide,

Aware that juveniles deprived of their liberty are highly vulnerable to abuse, victimization and the violation of their rights,

Concerned that many systems do not differentiate between adults and juveniles at various stages of the administration of justice and that juveniles are therefore being held in gaols and facilities with adults,

1. *Affirms* that the placement of a juvenile in an institution should always be a disposition of last resort and for the minimum necessary period;

2. *Recognizes* that, because of their high vulnerability, juveniles deprived of their liberty require special attention and protection and that their rights and well-being should be guaranteed during and after the period when they are deprived of their liberty;

3. *Notes with appreciation* the valuable work of the Secretariat and the collaboration which has been established between the Secretariat and experts, practitioners, intergovernmental organizations, the non-governmental community, particularly Amnesty International, Defence for Children International and Räddeo Barnen International (Swedish Save the Children Federation), and scientific institutions concerned with the rights of children and juvenile justice in the development of the United Nations draft Rules for the Protection of Juveniles Deprived of their Liberty;

4. *Adopts* the United Nations Rules for the Protection of Juveniles Deprived of their Liberty contained in the annex to the present resolution;

5. *Calls upon* the Committee on Crime Prevention and Control to formulate measures for the effective implementation of the Rules, with the assistance of the United Nations institutes on the prevention of crime and the treatment of offenders;

6. *Invites* Member States to adapt, whenever necessary, their national legislation, policies and practices, particularly in the training of all categories of juvenile justice personnel, to the spirit of the Rules, and to bring them to the attention of relevant authorities and the public in general;

7. *Also invites* Member States to inform the Secretary-General of their efforts to apply the Rules in law, policy and practice and to report regularly to the Committee on Crime Prevention and Control on the results achieved in their implementation;

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[37] Resolution 39/46, annex.

8. *Requests* the Secretary-General and invites Member States to ensure the widest possible dissemination of the text of the Rules in all of the official languages of the United Nations;

9. *Requests* the Secretary-General to conduct comparative research, pursue the requisite collaboration and devise strategies to deal with the different categories of serious and persistent young offenders, and to prepare a policy-oriented report thereon for submission to the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders;

10. *Also requests* the Secretary-General and urges Member States to allocate the necessary resources to ensure the successful application and implementation of the Rules, in particular in the areas of recruitment, training and exchange of all categories of juvenile justice personnel;

11. *Urges* all relevant bodies of the United Nations system, in particular the United Nations Children's Fund, the regional commissions and specialized agencies, the United Nations institutes for the prevention of crime and the treatment of offenders and all concerned intergovernmental and non-governmental organizations, to collaborate with the Secretary-General and to take the necessary measures to ensure a concerted and sustained effort within their respective fields of technical competence to promote the application of the Rules;

12. *Invites* the Sub-Commission on Prevention of Discrimination and Protection of Minorities of the Commission on Human Rights to consider this new international instrument, with a view to promoting the application of its provisions;

13. *Requests* the Ninth Congress to review the progress made on the promotion and application of the Rules and on the recommendations contained in the present resolution, under a separate agenda item on juvenile justice.

ANNEX

United Nations Rules for the Protection of Juveniles Deprived of their Liberty

I. FUNDAMENTAL PERSPECTIVES

1. The juvenile justice system should uphold the rights and safety and promote the physical and mental well-being of juveniles. Imprisonment should be used as a last resort.

2. Juveniles should only be deprived of their liberty in accordance with the principles and procedures set forth in these Rules and in the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules).[30] Deprivation of the liberty of a juvenile should be a disposition of last resort and for the minimum necessary period and should be limited to exceptional cases. The length of the sanction should be determined by the judicial authority, without precluding the possibility of his or her early release.

3. The Rules are intended to establish minimum standards accepted by the United Nations for the protection of juveniles deprived of their liberty in all forms, consistent with human rights and fundamental freedoms, with a view to counteracting the detrimental effects of all types of detention and to fostering integration in society.

4. The Rules should be applied impartially, without discrimination of any kind as to race, colour, sex, age, language, religion, nationality, political or other opinion, cultural beliefs or practices, property, birth or family status, ethnic or social origin, and disability. The religious and cultural beliefs, practices and moral concepts of the juvenile should be respected.

5. The Rules are designed to serve as convenient standards of reference and to provide encouragement and guidance to professionals involved in the management of the juvenile justice system.

6. The Rules should be made readily available to juvenile justice personnel in their national languages. Juveniles who are not fluent in the language spoken by the personnel of the detention facility should have the right to the services of an interpreter free of charge whenever necessary, in particular during medical examinations and disciplinary proceedings.

7. Where appropriate, States should incorporate the Rules into their legislation or amend it accordingly and provide effective remedies for their breach, including compensation when injuries are inflicted on juveniles. States should also monitor the application of the Rules.

8. The competent authorities should constantly seek to increase the awareness of the public that the care of detained juveniles and preparation for their return to society is a social service of great importance, and to this end active steps should be taken to foster open contacts between the juveniles and the local community.

9. Nothing in the Rules should be interpreted as precluding the application of the relevant United Nations and human rights instruments and standards, recognized by the international community, that are more conducive to ensuring the rights, care and protection of juveniles, children and all young persons.

10. In the event that the practical application of particular rules contained in sections II to V, inclusive, presents any conflict with the rules contained in the present section, compliance with the latter shall be regarded as the predominant requirement.

II. SCOPE AND APPLICATION OF THE RULES

11. For the purposes of the Rules, the following definitions should apply:

(*a*) A juvenile is every person under the age of 18. The age limit below which it should not be permitted to deprive a child of his or her liberty should be determined by law;

(*b*) The deprivation of liberty means any form of detention or imprisonment or the placement of a person in a public or private custodial setting, from which this person is not permitted to leave at will, by order of any judicial, administrative or other public authority.

12. The deprivation of liberty should be effected in conditions and circumstances which ensure respect for the human rights of juveniles. Juveniles detained in facilities should be guaranteed the benefit of meaningful activities and programmes which would serve to promote and sustain their health and self-respect, to foster their sense of responsibility and encourage those attitudes and skills that will assist them in developing their potential as members of society.

13. Juveniles deprived of their liberty shall not for any reason related to their status be denied the civil, economic, political, social or cultural rights to which they are entitled under national or international law, and which are compatible with the deprivation of liberty.

14. The protection of the individual rights of juveniles with special regard to the legality of the execution of the detention measures shall be ensured by the competent authority, while the objectives of social integration should be secured by regular inspections and other means of control carried out, according to international standards, national laws and regulations, by a duly constituted body authorized to visit the juveniles and not belonging to the detention facility.

15. The Rules apply to all types and forms of detention facilities in which juveniles are deprived of their liberty. Sections I, II, IV and V of the Rules apply to all detention facilities and institutional settings in which juveniles are detained, and section III applies specifically to juveniles under arrest or awaiting trial.

16. The Rules shall be implemented in the context of the economic, social and cultural conditions prevailing in each Member State.

III. JUVENILES UNDER ARREST OR AWAITING TRIAL

17. Juveniles who are detained under arrest or awaiting trial ("untried") are presumed innocent and shall be treated as such. Detention before trial shall be avoided to the extent possible and limited to exceptional circumstances. Therefore, all efforts shall be made to apply alternative measures. When preventive detention is nevertheless used, juvenile courts and investigative bodies shall give the highest priority to the most expeditious processing of such cases to ensure the shortest possible duration of detention. Untried detainees should be separated from convicted juveniles.

18. The conditions under which an untried juvenile is detained should be consistent with the rules set out below, with additional specific provisions as are necessary and appropriate, given the requirements of the presumption of innocence, the duration of the detention and the legal status and circumstances of the juvenile. These provisions would include, but not necessarily be restricted to, the following:

(*a*) Juveniles should have the right of legal counsel and be enabled to apply for free legal aid, where such aid is available, and to communicate regularly with their legal advisers. Privacy and confidentiality shall be ensured for such communications;

(*b*) Juveniles should be provided, where possible, with opportunities to pursue work, with remuneration, and continue education or training, but should not be required to do so. Work, education or training should not cause the continuation of the detention;

(*c*) Juveniles should receive and retain materials for their leisure and recreation as are compatible with the interests of the administration of justice.

IV. THE MANAGEMENT OF JUVENILE FACILITIES

A. *Records*

19. All reports, including legal records, medical records and records of disciplinary proceedings, and all other documents relating to the form, content and details of treatment, should be placed in a confidential individual file, which should be kept up to date, accessible only to authorized persons and classified in such a way as to be easily understood. Where possible, every juvenile should have the right to contest any fact or opinion contained in his or her file so as to permit rectification of inaccurate, unfounded or unfair statements. In order to exercise this right, there should be procedures that allow an appropriate third party to have access to and to consult the file on request. Upon release, the records of juveniles shall be sealed, and, at an appropriate time, expunged.

20. No juvenile should be received in any detention facility without a valid commitment order of a judicial, administrative or other public authority. The details of this order should be immediately entered in the register. No juvenile should be detained in any facility where there is no such register.

B. *Admission, registration, movement and transfer*

21. In every place where juveniles are detained, a complete and secure record of the following information should be kept concerning each juvenile received:

(*a*) Information on the identity of the juvenile;

(*b*) The fact of and reasons for commitment and the authority therefor;

(*c*) The day and hour of admission, transfer and release;

(*d*) Details of the notifications to parents and guardians on every admission, transfer or release of the juvenile in their care at the time of commitment;

(*e*) Details of known physical and mental health problems, including drug and alcohol abuse.

22. The information on admission, place, transfer and release should be provided without delay to the parents and guardians or closest relative of the juvenile concerned.

23. As soon as possible after reception, full reports and relevant information on the personal situation and circumstances of each juvenile should be drawn up and submitted to the administration.

24. On admission, all juveniles shall be given a copy of the rules governing the detention facility and a written description of their rights and obligations in a language they can understand, together with the address of the authorities competent to receive complaints, as well as the address of public or private agencies and organizations which provide legal assistance. For those juveniles who are illiterate or who cannot understand the language in the written form, the information should be conveyed in a manner enabling full comprehension.

25. All juveniles should be helped to understand the regulations governing the internal organization of the facility, the goals and methodology of the care provided, the disciplinary requirements and procedures, other authorized methods of seeking information and of making complaints, and all such other matters as are necessary to enable them to understand fully their rights and obligations during detention.

26. The transport of juveniles should be carried out at the expense of the administration in conveyances with adequate ventilation and light, in conditions that should in no way subject them to hardship or indignity. Juveniles should not be transferred from one facility to another arbitrarily.

C. *Classification and placement*

27. As soon as possible after the moment of admission, each juvenile should be interviewed, and a psychological and social report identifying any factors relevant to the specific type and level of care and programme required by the juvenile should be prepared. This report, together with the report prepared by a medical officer who has examined the juvenile upon admission, should be forwarded to the director for purposes of determining the most appropriate placement for the juvenile within the facility and the specific type and level of care and programme required and to be pursued. When special rehabilitative treatment is required, and the length of stay in the facility permits, trained personnel of the facility should prepare a written, individualized treatment plan specifying treatment objectives and time-frame and the means, stages and delays with which the objectives should be approached.

28. The detention of juveniles should only take place under conditions that take full account of their particular needs, status and special requirements according to their age, personality, sex and type of offence, as well as mental and physical health, and which ensure their protection from harmful influences and risk situations. The principal criterion for the separation of different categories of juveniles deprived of their liberty should be the provision of the type of care best suited to the particular needs of the individuals concerned and the protection of their physical, mental and moral integrity and well-being.

29. In all detention facilities juveniles should be separated from adults, unless they are members of the same family. Under controlled conditions, juveniles may be brought together with carefully selected adults as part of a special programme that has been shown to be beneficial for the juveniles concerned.

30. Open detention facilities for juveniles should be established. Open detention facilities are those with no or minimal security measures. The population in such detention facilities should be as small as possible. The number of juveniles detained in closed facilities should be small enough to enable individualized treatment. Detention facilities for juveniles should be decentralized and of such size as to facilitate access and contact between the juveniles and their families. Small-scale detention facilities should be established and integrated into the social, economic and cultural environment of the community.

D. *Physical environment and accommodation*

31. Juveniles deprived of their liberty have the right to facilities and services that meet all the requirements of health and human dignity.

32. The design of detention facilities for juveniles and the physical environment should be in keeping with the rehabilitative aim of residential treatment, with due regard to the need of the juvenile for privacy, sensory stimuli, opportunities for association with peers and participation in sports, physical exercise and leisure-time activities. The design and structure of juvenile detention facilities should be such as to minimize the risk of fire and to ensure safe evacuation from the premises. There should be an effective alarm system in case of fire, as well as formal and drilled procedures to ensure the safety of the juveniles. Detention facilities should not be located in areas where there are known health or other hazards or risks.

33. Sleeping accommodation should normally consist of small group dormitories or individual bedrooms, account being taken of local standards. During sleeping hours there should be regular, unobtrusive supervision of all sleeping areas, including individual rooms and group dormitories, in order to ensure the protection of each juvenile. Every juvenile should, in accordance with local or national standards, be provided with separate and sufficient bedding, which should be clean when issued, kept in good order and changed often enough to ensure cleanliness.

34. Sanitary installations should be so located and of a sufficient standard to enable every juvenile to comply, as required, with their physical needs in privacy and in a clean and decent manner.

35. The possession of personal effects is a basic element of the right to privacy and essential to the psychological well-being of the juvenile. The right of every juvenile to possess personal effects and to have adequate storage facilities for them should be fully recognized and respected. Personal effects that the juvenile does not choose to retain or that are confiscated should be placed in safe custody. An inventory thereof should be signed by the juvenile. Steps should be taken to keep them in good condition. All such articles and money should be returned to the juvenile on release, except in so far as he or she has been authorized to spend money or send such property out of the facility. If a juvenile receives or is found in possession of any medicine, the medical officer should decide what use should be made of it.

36. To the extent possible juveniles should have the right to use their own clothing. Detention facilities should ensure that each juvenile has personal clothing suitable for the climate and adequate to ensure good health, and which should in no manner be degrading or humiliating. Juveniles removed from or leaving a facility for any purpose should be allowed to wear their own clothing.

37. Every detention facility shall ensure that every juvenile receives food that is suitably prepared and presented at normal meal times and of a

quality and quantity to satisfy the standards of dietetics, hygiene and health and, as far as possible, religious and cultural requirements. Clean drinking water should be available to every juvenile at any time.

E. *Education, vocational training and work*

38. Every juvenile of compulsory school age has the right to education suited to his or her needs and abilities and designed to prepare him or her for return to society. Such education should be provided outside the detention facility in community schools wherever possible and, in any case, by qualified teachers through programmes integrated with the education system of the country so that, after release, juveniles may continue their education without difficulty. Special attention should be given by the administration of the detention facilities to the education of juveniles of foreign origin or with particular cultural or ethnic needs. Juveniles who are illiterate or have cognitive or learning difficulties should have the right to special education.

39. Juveniles above compulsory school age who wish to continue their education should be permitted and encouraged to do so, and every effort should be made to provide them with access to appropriate educational programmes.

40. Diplomas or educational certificates awarded to juveniles while in detention should not indicate in any way that the juvenile has been institutionalized.

41. Every detention facility should provide access to a library that is adequately stocked with both instructional and recreational books and periodicals suitable for the juveniles, who should be encouraged and enabled to make full use of it.

42. Every juvenile should have the right to receive vocational training in occupations likely to prepare him or her for future employment.

43. With due regard to proper vocational selection and to the requirements of institutional administration, juveniles should be able to choose the type of work they wish to perform.

44. All protective national and international standards applicable to child labour and young workers should apply to juveniles deprived of their liberty.

45. Wherever possible, juveniles should be provided with the opportunity to perform remunerated labour, if possible within the local community, as a complement to the vocational training provided in order to enhance the possibility of finding suitable employment when they return to their communities. The type of work should be such as to provide appropriate training that will be of benefit to the juveniles following release. The organization and methods of work offered in detention facilities should resemble as closely as possible those of similar work in the community, so as to prepare juveniles for the conditions of normal occupational life.

46. Every juvenile who performs work should have the right to an equitable remuneration. The interests of the juveniles and of their vocational training should not be subordinated to the purpose of making a profit for the detention facility or a third party. Part of the earnings of a juvenile should normally be set aside to constitute a savings fund to be handed over to the juvenile on release. The juvenile should have the right to use the remainder of those earnings to purchase articles for his or her own use or to indemnify the victim injured by his or her offence or to send it to his or her family or other persons outside the detention facility.

F. *Recreation*

47. Every juvenile should have the right to a suitable amount of time for daily free exercise, in the open air whenever weather permits, during which time appropriate recreational and physical training should normally be provided. Adequate space, installations and equipment should be provided for these activities. Every juvenile should have additional time for daily leisure activities, part of which should be devoted, if the juvenile so wishes, to arts and crafts skill development. The detention facility should ensure that each juvenile is physically able to participate in the available programmes of physical education. Remedial physical education and therapy should be offered, under medical supervision, to juveniles needing it.

G. *Religion*

48. Every juvenile should be allowed to satisfy the needs of his or her religious and spiritual life, in particular by attending the services or meetings provided in the detention facility or by conducting his or her own services and having possession of the necessary books or items of religious observance and instruction of his or her denomination. If a detention facility contains a sufficient number of juveniles of a given religion, one or more qualified representatives of that religion should be appointed or approved and allowed to hold regular services and to pay pastoral visits in private to juveniles at their request. Every juvenile should have the right to receive visits from a qualified representative of any religion of his or her choice, as well as the right not to participate in religious services and freely to decline religious education, counselling or indoctrination.

H. *Medical care*

49. Every juvenile shall receive adequate medical care, both preventive and remedial, including dental, ophthalmological and mental health care, as well as pharmaceutical products and special diets as medically indicated. All such medical care should, where possible, be provided to detained juveniles through the appropriate health facilities and services of the community in which the detention facility is located, in order to prevent stigmatization of the juvenile and promote self-respect and integration into the community.

50. Every juvenile has a right to be examined by a physician immediately upon admission to a detention facility, for the purpose of recording any evidence of prior ill-treatment and identifying any physical or mental condition requiring medical attention.

51. The medical services provided to juveniles should seek to detect and should treat any physical or mental illness, substance abuse or other condition that may hinder the integration of the juvenile into society. Every detention facility for juveniles should have immediate access to adequate medical facilities and equipment appropriate to the number and requirements of its residents and staff trained in preventive health care and the handling of medical emergencies. Every juvenile who is ill, who complains of illness or who demonstrates symptoms of physical or mental difficulties, should be examined promptly by a medical officer.

52. Any medical officer who has reason to believe that the physical or mental health of a juvenile has been or will be injuriously affected by continued detention, a hunger strike or any condition of detention should report this fact immediately to the director of the detention facility in question and to the independent authority responsible for safeguarding the well-being of the juvenile.

53. A juvenile who is suffering from mental illness should be treated in a specialized institution under independent medical management. Steps should be taken, by arrangement with appropriate agencies, to ensure any necessary continuation of mental health care after release.

54. Juvenile detention facilities should adopt specialized drug abuse prevention and rehabilitation programmes administered by qualified personnel. These programmes should be adapted to the age, sex and other requirements of the juveniles concerned, and detoxification facilities and services staffed by trained personnel should be available to drug- or alcohol-dependent juveniles.

55. Medicines should be administered only for necessary treatment on medical grounds and, when possible, after having obtained the informed consent of the juvenile concerned. In particular, they must not be administered with a view to eliciting information or a confession, as a punishment or as a means of restraint. Juveniles shall never be testees in the experimental use of drugs and treatment. The administration of any drug should always be authorized and carried out by qualified medical personnel.

I. *Notification of illness, injury and death*

56. The family or guardian of a juvenile and any other person designated by the juvenile have the right to be informed of the state of health of the juvenile on request and in the event of any important changes in the health of the juvenile. The director of the detention facility should notify immediately the family or guardian of the juvenile concerned, or other designated person, in case of death, illness requiring transfer of the juvenile to an outside medical facility, or a condition requiring clinical care within the detention facility for more than 48 hours. Notification should also be given to the consular authorities of the State of which a foreign juvenile is a citizen.

57. Upon the death of a juvenile during the period of deprivation of liberty, the nearest relative should have the right to inspect the death certificate, see the body and determine the method of disposal of the body. Upon the death of a juvenile in detention, there should be an independent inquiry into the causes of death, the report of which should be made accessible to the nearest relative. This inquiry should also be made when the death of a juvenile occurs within six months from the date of his or her release from the detention facility and there is reason to believe that the death is related to the period of detention.

58. A juvenile should be informed at the earliest possible time of the death, serious illness or injury of any immediate family member and should be provided with the opportunity to attend the funeral of the deceased or go to the bedside of a critically ill relative.

J. *Contacts with the wider community*

59. Every means should be provided to ensure that juveniles have adequate communication with the outside world, which is an integral part of

the right to fair and humane treatment and is essential to the preparation of juveniles for their return to society. Juveniles should be allowed to communicate with their families, friends and other persons or representatives of reputable outside organizations, to leave detention facilities for a visit to their home and family and to receive special permission to leave the detention facility for educational, vocational or other important reasons. Should the juvenile be serving a sentence, the time spent outside a detention facility should be counted as part of the period of sentence.

60. Every juvenile should have the right to receive regular and frequent visits, in principle once a week and not less than once a month, in circumstances that respect the need of the juvenile for privacy, contact and unrestricted communication with the family and the defence counsel.

61. Every juvenile should have the right to communicate in writing or by telephone at least twice a week with the person of his or her choice, unless legally restricted, and should be assisted as necessary in order effectively to enjoy this right. Every juvenile should have the right to receive correspondence.

62. Juveniles should have the opportunity to keep themselves informed regularly of the news by reading newspapers, periodicals and other publications, through access to radio and television programmes and motion pictures, and through the visits of the representatives of any lawful club or organization in which the juvenile is interested.

K. *Limitations of physical restraint and the use of force*

63. Recourse to instruments of restraint and to force for any purpose should be prohibited, except as set forth in rule 64 below.

64. Instruments of restraint and force can only be used in exceptional cases, where all other control methods have been exhausted and failed, and only as explicitly authorized and specified by law and regulation. They should not cause humiliation or degradation, and should be used restrictively and only for the shortest possible period of time. By order of the director of the administration, such instruments might be resorted to in order to prevent the juvenile from inflicting self-injury, injuries to others or serious destruction of property. In such instances, the director should at once consult medical and other relevant personnel and report to the higher administrative authority.

65. The carrying and use of weapons by personnel should be prohibited in any facility where juveniles are detained.

L. *Disciplinary procedures*

66. Any disciplinary measures and procedures should maintain the interest of safety and an ordered community life and should be consistent with the upholding of the inherent dignity of the juvenile and the fundamental objective of institutional care, namely, instilling a sense of justice, self-respect and respect for the basic rights of every person.

67. All disciplinary measures constituting cruel, inhuman or degrading treatment shall be strictly prohibited, including corporal punishment, placement in a dark cell, closed or solitary confinement or any other punishment that may compromise the physical or mental health of the juvenile concerned. The reduction of diet and the restriction or denial of contact with family members should be prohibited for any purpose. Labour should always be viewed as an educational tool and a means of promoting the self-respect of the juvenile in preparing him or her for return to the community and should not be imposed as a disciplinary sanction. No juvenile should be sanctioned more than once for the same disciplinary infraction. Collective sanctions should be prohibited.

68. Legislation or regulations adopted by the competent administrative authority should establish norms concerning the following, taking full account of the fundamental characteristics, needs and rights of juveniles:

(*a*) Conduct constituting a disciplinary offence;

(*b*) Type and duration of disciplinary sanctions that may be inflicted;

(*c*) The authority competent to impose such sanctions;

(*d*) The authority competent to consider appeals.

69. A report of misconduct should be presented promptly to the competent authority, which should decide on it without undue delay. The competent authority should conduct a thorough examination of the case.

70. No juvenile should be disciplinarily sanctioned except in strict accordance with the terms of the law and regulations in force. No juvenile should be sanctioned unless he or she has been informed of the alleged infraction in a manner appropriate to the full understanding of the juvenile, and given a proper opportunity of presenting his or her defence, including the right of appeal to a competent impartial authority. Complete records should be kept of all disciplinary proceedings.

71. No juveniles should be responsible for disciplinary functions except in the supervision of specified social, educational or sports activities or in self-government programmes.

M. *Inspection and complaints*

72. Qualified inspectors or an equivalent duly constituted authority not belonging to the administration of the facility should be empowered to conduct inspections on a regular basis and to undertake unannounced inspections on their own initiative, and should enjoy full guarantees of independence in the exercise of this function. Inspectors should have unrestricted access to all persons employed by or working in any facility where juveniles are or may be deprived of their liberty, to all juveniles and to all records of such facilities.

73. Qualified medical officers attached to the inspecting authority or the public health service should participate in the inspections, evaluating compliance with the rules concerning the physical environment, hygiene, accommodation, food, exercise and medical services, as well as any other aspect or conditions of institutional life that affect the physical and mental health of juveniles. Every juvenile should have the right to talk in confidence to any inspecting officer.

74. After completing the inspection, the inspector should be required to submit a report on the findings. The report should include an evaluation of the compliance of the detention facilities with the present rules and relevant provisions of national law, and recommendations regarding any steps considered necessary to ensure compliance with them. Any facts discovered by an inspector that appear to indicate that a violation of legal provisions concerning the rights of juveniles or the operation of a juvenile detention facility has occurred should be communicated to the competent authorities for investigation and prosecution.

75. Every juvenile should have the opportunity of making requests or complaints to the director of the detention facility and to his or her authorized representative.

76. Every juvenile should have the right to make a request or complaint, without censorship as to substance, to the central administration, the judicial authority or other proper authorities through approved channels, and to be informed of the response without delay.

77. Efforts should be made to establish an independent office (ombudsman) to receive and investigate complaints made by juveniles deprived of their liberty and to assist in the achievement of equitable settlements.

78. Every juvenile should have the right to request assistance from family members, legal counsellors, humanitarian groups or others where possible, in order to make a complaint. Illiterate juveniles should be provided with assistance should they need to use the services of public or private agencies and organizations which provide legal counsel or which are competent to receive complaints.

N. *Return to the community*

79. All juveniles should benefit from arrangements designed to assist them in returning to society, family life, education or employment after release. Procedures, including early release, and special courses should be devised to this end.

80. Competent authorities should provide or ensure services to assist juveniles in re-establishing themselves in society and to lessen prejudice against such juveniles. These services should ensure, to the extent possible, that the juvenile is provided with suitable residence, employment, clothing, and sufficient means to maintain himself or herself upon release in order to facilitate successful reintegration. The representatives of agencies providing such services should be consulted and should have access to juveniles while detained, with a view to assisting them in their return to the community.

V. PERSONNEL

81. Personnel should be qualified and include a sufficient number of specialists such as educators, vocational instructors, counsellors, social workers, psychiatrists and psychologists. These and other specialist staff should normally be employed on a permanent basis. This should not preclude part-time or volunteer workers when the level of support and training they can provide is appropriate and beneficial. Detention facilities should make use of all remedial, educational, moral, spiritual, and other resources and forms of assistance that are appropriate and available in the community, according to the individual needs and problems of detained juveniles.

82. The administration should provide for the careful selection and recruitment of every grade and type of personnel, since the proper management of detention facilities depends on their integrity, humanity, ability and professional capacity to deal with juveniles, as well as personal suitability for the work.

83. To secure the foregoing ends, personnel should be appointed as professional officers with adequate remuneration to attract and retain suitable women and men. The personnel of juvenile detention facilities should be continually encouraged to fulfil their duties and obligations in a humane, committed, professional, fair and efficient manner, to conduct themselves at all times in such a way as to deserve and gain the respect of the juveniles, and to provide juveniles with a positive role model and perspective.

84. The administration should introduce forms of organization and management that facilitate communications between different categories of staff in each detention facility so as to enhance co-operation between the various services engaged in the care of juveniles, as well as between staff and the administration, with a view to ensuring that staff directly in contact with juveniles are able to function in conditions favourable to the efficient fulfilment of their duties.

85. The personnel should receive such training as will enable them to carry out their responsibilities effectively, in particular training in child psychology, child welfare and international standards and norms of human rights and the rights of the child, including the present Rules. The personnel should maintain and improve their knowledge and professional capacity by attending courses of in-service training, to be organized at suitable intervals throughout their career.

86. The director of a facility should be adequately qualified for his or her task, with administrative ability and suitable training and experience, and should carry out his or her duties on a full-time basis.

87. In the performance of their duties, personnel of detention facilities should respect and protect the human dignity and fundamental human rights of all juveniles, in particular, as follows:

(*a*) No member of the detention facility or institutional personnel may inflict, instigate or tolerate any act of torture or any form of harsh, cruel, inhuman or degrading treatment, punishment, correction or discipline under any pretext or circumstance whatsoever;

(*b*) All personnel should rigorously oppose and combat any act of corruption, reporting it without delay to the competent authorities;

(*c*) All personnel should respect the present Rules. Personnel who have reason to believe that a serious violation of the present Rules has occurred or is about to occur should report the matter to their superior authorities or organs vested with reviewing or remedial power;

(*d*) All personnel should ensure the full protection of the physical and mental health of juveniles, including protection from physical, sexual and emotional abuse and exploitation, and should take immediate action to secure medical attention whenever required;

(*e*) All personnel should respect the right of the juvenile to privacy, and in particular should safeguard all confidential matters concerning juveniles or their families learned as a result of their professional capacity;

(*f*) All personnel should seek to minimize any differences between life inside and outside the detention facility which tend to lessen due respect for the dignity of juveniles as human beings.

Draft resolution VIII

DOMESTIC VIOLENCE

The General Assembly,

Reaffirming its resolution 40/36 of 29 November 1985 on domestic violence and resolution 6 of the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders,[24] concerning the fair treatment of women by the criminal justice system,

Taking into account the recommendations made at the Expert Group Meeting on Violence in the Family with Special Emphasis on its Effects on Women, held at Vienna from 8 to 12 December 1986,

Also taking into account the recommendations made on the subject of domestic violence by the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace,[38] the resolution on domestic violence against women submitted to the Second Committee of the Conference[39] and the recommendations and conclusions arising from the first review and appraisal of the implementation of the Nairobi Forward-looking Strategies for the Advancement of Women to the Year 2000,[40]

Commending the efforts of the United Nations, *inter alia*, through the Convention on the Elimination of All Forms of Discrimination against Women[10] and the Convention on the Rights of the Child,[35] to guarantee the human rights of women and children,

Recognizing the need for further work to be undertaken with respect to violence against all members of the family unit,

Welcoming the report of the Secretary-General on domestic violence,[41]

Recalling that, in its resolution 44/82 of 8 December 1989, it proclaimed 1994 the International Year of the Family,

Bearing in mind the serious lack of information and research on domestic violence globally and the need for exchange of information on ways of dealing with this problem,

Recognizing the concern of Member States about domestic violence as an urgent problem deserving focused attention and concerted action,

Aware that domestic violence is a critical problem that has serious physical and psychological effects on individual family members and jeopardizes the health and survival of the family unit,

Recognizing that domestic violence may take many forms, both physical and psychological,

Convinced of the necessity of improving the situation of the victims of domestic violence,

Recognizing the need to focus on all victims of domestic violence and to consider common policies and specialized approaches regarding women, children, the elderly and those especially vulnerable because of disability,

Noting that exposure to domestic violence, especially during childhood, may produce long-term effects on attitudes and behaviour, such as increased tolerance to violence in society as a whole,

Aware of the fact many offenders, including those convicted of offences relating to domestic violence, and many victims were themselves abused as children,

Recognizing the fact that domestic violence is often a recurring phenomenon and that an effective early response, as part of a crime prevention policy, may prevent the occurrence of future incidents,

Convinced that the problem of domestic violence is prevalent and affects all segments of society regardless of class, income, culture, gender, age or religion,

Conscious that the complex problem of domestic violence is viewed differently in various cultures of different countries and that at the international level it must be addressed with sensitivity to the cultural context in each country,

1. *Urges* Member States to begin or continue to explore, develop and implement multidisciplinary policies, measures and strategies, within and outside of the criminal justice

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[38] See *Report of the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace, Nairobi, 15-26 July 1985* (United Nations publication, Sales No. E.85.IV.10).

[39] *Ibid.*, annex I.

[40] Economic and Social Council resolution 1990/15, annex.

[41] A/CONF.144/17.

system, with respect to domestic violence in all its facets, including legal, law enforcement, judicial, societal, educational, psychological, economic, health-related and correctional aspects and, in particular:

(*a*) To take all possible steps to prevent domestic violence;

(*b*) To ensure fair treatment of and effective assistance to the victims of domestic violence;

(*c*) To increase awareness and sensitivity concerning domestic violence, in particular by fostering the education of criminal justice and other professionals in regard to this issue;

(*d*) To provide appropriate treatment for the offenders;

2. *Recommends* that Member States ensure that their systems of criminal justice and the competent bodies for juveniles and their families provide an effective and equitable response to domestic violence and that they take appropriate steps towards achieving this goal;

3. *Urges* Member States to exchange information, experience and research findings between governmental and non-governmental organizations regarding domestic violence, and, in this regard, recommends the use of the United Nations Criminal Justice Information Network and other available means to facilitate the exchange of information concerning domestic violence and the means of curtailing it;

4. *Invites* Member States, the Secretary-General and concerned intergovernmental and non-governmental organizations to include the problem of domestic violence in the preparations for and observance of the International Year of the Family, within the crime prevention and criminal justice area;

5. *Requests* the Secretary-General to convene a working group of experts, within existing or with extrabudgetary resources, to formulate guidelines or a manual for practitioners concerning the problem of domestic violence for consideration at the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders and its regional preparatory meetings, taking into account the conclusions of the report of the Secretary-General on domestic violence;[41]

6. *Requests* the Committee on Crime Prevention and Control to consider placing the topic of domestic violence on the agenda of the Ninth Congress, as a matter of priority.

Draft resolution IX

INSTRUMENTAL USE OF CHILDREN IN CRIMINAL ACTIVITIES

The General Assembly,

Bearing in mind the Convention on the Rights of the Child[35] and the Declaration of the Rights of the Child,[34] as well as the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances,[42]

Bearing in mind also the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules),[30] the United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines)[43] and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty,[36]

Recalling that, in its resolution 44/82 of 8 December 1989, it proclaimed 1994 the International Year of the Family,

Recalling and reaffirming its resolutions 43/121 of 8 December 1988 on the use of children in the illicit traffic in narcotic drugs and rehabilitation of drug-addicted minors and 40/35 of 29 November 1985 on the development of standards for the prevention of juvenile delinquency, as well as Economic and Social Council resolutions 1989/66 of 24 May 1989 on the Beijing Rules and 1990/33 of 24 May 1990 on the reduction of demand and prevention of drug consumption among young persons in the Near and Middle East,

Recognizing that within the traditional forms of child exploitation the instrumental use of children in criminal activities, especially those aimed at illicit profit making, has become an increasingly grave phenomenon,

Concerned that children are being led by adults into a criminal life-style, which hinders their development and denies them opportunities for a healthy and responsible role in society,

Considering that the instrumental use of children by adults in profit-making criminal activities is a grave practice that represents a violation of social norms and a deprivation of the right of children to proper development, education and upbringing and prejudices their future,

Emphasizing that categories of children, such as those who are runaway, vagrant, wayward or "street" children, are targets for exploitation, including seduction into drug trafficking and abuse, prostitution, pornography, theft, burglary, begging and homicide for reward,

1. *Requests* Member States and the Secretary-General to take measures with a view to formulating programmes to deal with the problem of the instrumental use of children in criminal activities and to take effective action by, *inter alia:*

(*a*) Undertaking research and a systematic analysis of the phenomenon;

(*b*) Developing training and awareness-raising activities in order to make law enforcement and other justice personnel, as well as policy makers, sensitive to those situations of social risk that cause children to be manipulated by adults into engaging in crime;

(*c*) Taking measures in combating criminality with a view to ensuring that appropriate sanctions are applied against adults who are the instigators and authors of crimes, rather than against the children involved who themselves are victims of criminality by virtue of their being exposed to crime;

(*d*) Developing comprehensive policies, programmes and effective preventive and remedial measures, in order to eliminate the involvement and exploitation of children by adults in criminal activities;

2. *Requests* the Secretary-General to study the situation in different countries and to report on the implementation of the present resolution to the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders;

3. *Also requests* the Secretary-General to invite the collaboration of the Centre for Human Rights and the Division of Narcotic Drugs of the Secretariat, the United Nations Fund for Drug Abuse Control, the World Health Organization, the United Nations Children's Fund, the Office of the

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[41] A/CONF.144/17.

[42] E/CONF.82/15 and Corr.2.

[43] Resolution 45/112, annex.

United Nations High Commissioner for Refugees, the United Nations Educational, Scientific and Cultural Organization and the United Nations institutes for the prevention of crime and the treatment of offenders and other concerned institutes in the implementation of the present resolution;

4. *Requests* the Committee on Crime Prevention and Control to consider this matter and to keep it under constant review.

Draft resolution X

Model Treaty on Extradition

The General Assembly,

Bearing in mind the Milan Plan of Action,[16] adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders and approved by the General Assembly in its resolution 40/32 of 29 November 1985,

Bearing in mind also the Guiding Principles for Crime Prevention and Criminal Justice in the Context of Development and a New International Economic Order,[17] principle 37 of which stipulates that the United Nations should prepare model instruments suitable for use as international and regional conventions and as guides for national implementing legislation,

Recalling resolution 1 of the Seventh Congress,[24] on organized crime, in which Member States were urged, *inter alia*, to increase their activity at the international level in order to combat organized crime, including, as appropriate, entering into bilateral treaties on extradition and mutual legal assistance,

Recalling also resolution 23 of the Seventh Congress,[24] on criminal acts of a terrorist character, in which all States were called upon to take steps to strengthen co-operation, *inter alia*, in the area of extradition,

Calling attention to the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances,[42]

Acknowledging the valuable contributions of Governments, non-governmental organizations and individual experts, in particular the Government of Australia and the International Association of Penal Law,

Gravely concerned by the escalation of crime, both national and transnational,

Convinced that the establishment of bilateral and multilateral arrangements for extradition will greatly contribute to the development of more effective international co-operation for the control of crime,

Conscious of the need to respect human dignity and recalling the rights conferred upon every person involved in criminal proceedings, as embodied in the Universal Declaration of Human Rights[3] and the International Covenant on Civil and Political Rights,[4]

Conscious that in many cases existing bilateral extradition arrangements are outdated and should be replaced by modern arrangements which take into account recent developments in international criminal law,

Recognizing the importance of a model treaty on extradition as an effective way of dealing with the complex aspects and serious consequences of crime, especially in its new forms and dimensions,

1. *Adopts* the Model Treaty on Extradition contained in the annex to the present resolution as a useful framework that could be of assistance to States interested in negotiating and concluding bilateral agreements aimed at improving co-operation in matters of crime prevention and criminal justice;

2. *Invites* Member States, if they have not yet established treaty relations with other States in the area of extradition, or if they wish to revise existing treaty relations, to take into account, whenever doing so, the Model Treaty on Extradition;

3. *Urges* all States to strengthen further international co-operation in criminal justice;

4. *Requests* the Secretary-General to bring the present resolution, with the Model Treaty, to the attention of Member States;

5. *Urges* Member States to inform the Secretary-General periodically of efforts undertaken to establish extradition arrangements;

6. *Requests* the Committee on Crime Prevention and Control to review periodically the progress attained in this field;

7. *Also requests* the Committee on Crime Prevention and Control, where requested, to provide guidance and assistance to Member States in the development of legislation that would enable giving effect to the obligations in such treaties as are to be negotiated on the basis of the Model Treaty on Extradition;

8. *Invites* Member States, on request, to make available to the Secretary-General the provisions of their extradition legislation so that these may be made available to those Member States desiring to enact or further develop legislation in this field.

ANNEX

Model Treaty on Extradition

The ____________________ and the ____________________ ,

Desirous of making more effective the co-operation of the two countries in the control of crime by concluding a treaty on extradition,

Have agreed as follows:

Article 1

Obligation to extradite

Each Party agrees to extradite to the other, upon request and subject to the provisions of the present Treaty, any person who is wanted in the requesting State for prosecution for an extraditable offence or for the imposition or enforcement of a sentence in respect of such an offence.[44]

Article 2

Extraditable offences

1. For the purposes of the present Treaty, extraditable offences are offences that are punishable under the laws of both Parties by imprisonment or other deprivation of liberty for a maximum period of at least [one/two] year(s), or by a more severe penalty. Where the request for extradition relates to a person who is wanted for the enforcement of a sentence of imprisonment or other deprivation of liberty imposed for such an offence, extradition shall be granted only if a period of at least [four/six] months of such sentence remains to be served.

2. In determining whether an offence is an offence punishable under the laws of both Parties, it shall not matter whether:

(*a*) The laws of the Parties place the acts or omissions constituting the offence within the same category of offence or denominate the offence by the same terminology;

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[44] Reference to the imposition of a sentence may not be necessary for all countries.

(*b*) Under the laws of the Parties the constituent elements of the offence differ, it being understood that the totality of the acts or omissions as presented by the requesting State shall be taken into account.

3. Where extradition of a person is sought for an offence against a law relating to taxation, customs duties, exchange control or other revenue matters, extradition may not be refused on the ground that the law of the requested State does not impose the same kind of tax or duty or does not contain a tax, customs duty or exchange regulation of the same kind as the law of the requesting State.[45]

4. If the request for extradition includes several separate offences each of which is punishable under the laws of both Parties, but some of which do not fulfil the other conditions set out in paragraph 1 of the present article, the requested Party may grant extradition for the latter offences provided that the person is to be extradited for at least one extraditable offence.

Article 3

MANDATORY GROUNDS FOR REFUSAL

Extradition shall not be granted in any of the following circumstances:

(*a*) If the offence for which extradition is requested is regarded by the requested State as an offence of a political nature;[46]

(*b*) If the requested state has substantial grounds for believing that the request for extradition has been made for the purpose of prosecuting or punishing a person on account of that person's race, religion, nationality, ethnic origin, political opinions, sex or status, or that that person's position may be prejudiced for any of those reasons;

(*c*) If the offence for which extradition is requested is an offence under military law, which is not also an offence under ordinary criminal law;

(*d*) If there has been a final judgement rendered against the person in the requested State in respect of the offence for which the person's extradition is requested;

(*e*) If the person whose extradition is requested has, under the law of either Party, become immune from prosecution or punishment for any reason, including lapse of time or amnesty;[47]

(*f*) If the person whose extradition is requested has been or would be subjected in the requesting State to torture or cruel, inhuman or degrading treatment or punishment or if that person has not received or would not receive the minimum guarantees in criminal proceedings, as contained in the International Covenant on Civil and Political Rights, article 14;[4]

(*g*) If the judgement of the requesting State has been rendered *in absentia*, the convicted person has not had sufficient notice of the trial or the opportunity to arrange for his or her defence and he has not had or will not have the opportunity to have the case retried in his or her presence.[48]

Article 4

OPTIONAL GROUNDS FOR REFUSAL

Extradition may be refused in any of the following circumstances:

(*a*) If the person whose extradition is requested is a national of the requested State. Where extradition is refused on this ground, the requested State shall, if the other State so requests, submit the case to its competent authorities with a view to taking appropriate action against the person in respect of the offence for which extradition had been requested;

(*b*) If the competent authorities of the requested State have decided either not to institute or to terminate proceedings against the person for the offence in respect of which extradition is requested;

(*c*) If a prosecution in respect of the offence for which extradition is requested is pending in the requested State against the person whose extradition is requested;

(*d*) If the offence for which extradition is requested carries the death penalty under the law of the requesting State, unless that State gives such assurance as the requested State considers sufficient that the death penalty will not be imposed or, if imposed, will not be carried out;[49]

(*e*) If the offence for which extradition is requested has been committed outside the territory of either Party and the law of the requested State does not provide for jurisdiction over such an offence committed outside its territory in comparable circumstances;

(*f*) If the offence for which extradition is requested is regarded under the law of the requested State as having been committed in whole or in part within that State.[50] Where extradition is refused on this ground, the requested State shall, if the other State so requests, submit the case to its competent authorities with a view to taking appropriate action against the person for the offence for which extradition had been requested;

(*g*) If the person whose extradition is requested has been sentenced or would be liable to be tried or sentenced in the requesting State by an extraordinary or *ad hoc* court or tribunal;

(*h*) If the requested State, while also taking into account the nature of the offence and the interests of the requesting State, considers that, in the circumstances of the case, the extradition of that person would be incompatible with humanitarian considerations in view of age, health or other personal circumstances of that person.

Article 5

CHANNELS OF COMMUNICATION AND REQUIRED DOCUMENTS

1. A request for extradition shall be made in writing. The request, supporting documents and subsequent communications shall be transmitted through the diplomatic channel, directly between the ministries of justice or any other authorities designated by the Parties.

2. A request for extradition shall be accompanied by the following:

(*a*) In all cases,

(i) As accurate a description as possible of the person sought, together with any other information that may help to establish that person's identity, nationality and location;

(ii) The text of the relevant provision of the law creating the offence or, where necessary, a statement of the law relevant to the offence and a statement of the penalty that can be imposed for the offence;

(*b*) If the person is accused of an offence, by a warrant issued by a court or other competent judicial authority for the arrest of the person or a certified copy of that warrant, a statement of the offence for which extradition is requested and a description of the acts or omissions constituting the alleged offence, including an indication of the time and place of its commission;[51]

(*c*) If the person has been convicted of an offence, by a statement of the offence for which extradition is requested and a description of the acts or omissions constituting the offence and by the original or certified copy of the judgement or any other document setting out the conviction and the sentence imposed, the fact that the sentence is enforceable, and the extent to which the sentence remains to be served;

(*d*) If the person has been convicted of an offence in his or her absence, in addition to the documents set out in paragraph 2 (*c*) of the present article, by a statement as to the legal means available to the person to prepare his or her defence or to have the case retried in his or her presence;

(*e*) If the person has been convicted of an offence but no sentence has been imposed, by a statement of the offence for which extradition is requested and a description of the acts or omissions constituting the offence and by a document setting out the conviction and a statement affirming that there is an intention to impose a sentence.

3. The documents submitted in support of a request for extradition shall be accompanied by a translation into the language of the requested State or in another language acceptable to that State.

Article 6

SIMPLIFIED EXTRADITION PROCEDURE

The requested State, if not precluded by its law, may grant extradition after receipt of a request for provisional arrest, provided that the person sought explicitly consents before a competent authority.

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[45] Some countries may wish to omit this paragraph or provide an optional ground for refusal under article 4.

[46] Some countries may wish to add the following text: "Reference to an offence of a political nature shall not include any offence in respect of which the Parties have assumed an obligation, pursuant to any multilateral convention, to take prosecutorial action where they do not extradite, or any other offence that the Parties have agreed is not an offence of a political character for the purposes of extradition."

[47] Some countries may wish to make this an optional ground for refusal under article 4.

[48] Some countries may wish to add to article 3 the following ground for refusal: "If there is insufficient proof, according to the evidentiary standards of the requested State, that the person whose extradition is requested is a party to the offence". (See also footnote 51).

[49] Some countries may wish to apply the same restriction to the imposition of a life, or indeterminate, sentence.

[50] Some countries may wish to make specific reference to a vessel under its flag or an aircraft registered under its laws at the time of the commission of the offence.

[51] Countries that require a judicial assessment of the sufficiency of evidence may wish to add the following clause: "and sufficient proof in a form acceptable under the law of the requested State, establishing, according to the evidentiary standards of that State, that the person is a party to the offence". (See also footnote 48.)

Article 7

Certification and authentication

Except as provided by the present Treaty, a request for extradition and the documents in support thereof, as well as documents or other material supplied in response to such a request, shall not require certification or authentication.[52]

Article 8

Additional information

If the requested State considers that the information provided in support of a request for extradition is not sufficient, it may request that additional information be furnished within such reasonable time as it specifies.

Article 9

Provisional arrest

1. In case of urgency the requesting State may apply for the provisional arrest of the person sought pending the presentation of the request for extradition. The application shall be transmitted by means of the facilities of the International Criminal Police Organization, by post or telegraph or by any other means affording a record in writing.

2. The application shall contain a description of the person sought, a statement that extradition is to be requested, a statement of the existence of one of the documents mentioned in paragraph 2 of article 5 of the present Treaty, authorizing the apprehension of the person, a statement of the punishment that can be or has been imposed for the offence, including the time left to be served and a concise statement of the facts of the case, and a statement of the location, where known, of the person.

3. The requested State shall decide on the application in accordance with its law and communicate its decision to the requesting State without delay.

4. The person arrested upon such an application shall be set at liberty upon the expiration of [40] days from the date of arrest if a request for extradition, supported by the relevant documents specified in paragraph 2 of article 5 of the present Treaty, has not been received. the present paragraph does not preclude the possibility of conditional release of the person prior to the expiration of the [40] days.

5. The release of the person pursuant to paragraph 4 of the present article shall not prevent rearrest and institution of proceedings with a view to extraditing the person sought if the request and supporting documents are subsequently received.

Article 10

Decision on the request

1. The requested State shall deal with the request for extradition pursuant to procedures provided by its own law, and shall promptly communicate its decision to the requesting State.

2. Reasons shall be given for any complete or partial refusal of the request.

Article 11

Surrender of the person

1. Upon being informed that extradition has been granted, the Parties shall, without undue delay, arrange for the surrender of the person sought and the requested State shall inform the requesting State of the length of time for which the person sought was detained with a view to surrender.

2. The person shall be removed from the territory of the requested State within such reasonable period as the requested State specifies and, if the person is not removed within that period, the requested State may release the person and may refuse to extradite that person for the same offence.

3. If circumstances beyond its control prevent a Party from surrendering or removing the person to be extradited, it shall notify the other Party. The two Parties shall mutually decide upon a new date of surrender, and the provisions of paragraph 2 of the present article shall apply.

Article 12

Postponed or conditional surrender

1. The requested State may, after making its decision on the request for extradition, postpone the surrender of a person sought, in order to proceed against that person, or, if that person has already been convicted, in order to enforce a sentence imposed for an offence other than that for which extradition is sought. In such a case the requested State shall advise the requesting State accordingly.

2. The requested State may, instead of postponing surrender, temporarily surrender the person sought to the requesting State in accordance with conditions to be determined between the Parties.

Article 13

Surrender of property

1. To the extent permitted under the law of the requested State and subject to the rights of third parties, which shall be duly respected, all property found in the requested State that has been acquired as a result of the offence or that may be required as evidence shall, if the requesting State so requests, be surrendered if extradition is granted.

2. The said property may, if the requesting State so requests, be surrendered to the requesting State even if the extradition agreed to cannot be carried out.

3. When the said property is liable to seizure or confiscation in the requested State, it may retain it or temporarily hand it over.

4. Where the law of the requested State or the protection of the rights of third parties so require, any property so surrendered shall be returned to the requested State free of charge after the completion of the proceedings, if that State so requests.

Article 14

Rule of speciality

1. A person extradited under the present Treaty shall not be proceeded against, sentenced, detained, re-extradited to a third State, or subjected to any other restriction of personal liberty in the territory of the requesting State for any offence committed before surrender other than:

(*a*) An offence for which extradition was granted;

(*b*) Any other offence in respect of which the requested State consents.[53] Consent shall be given if the offence for which it is requested is itself subject to extradition in accordance with the present Treaty.[54]

2. A request for the consent of the requested State under the present article shall be accompanied by the documents mentioned in paragraph 2 of article 5 of the present Treaty and a legal record of any statement made by the extradited person with respect to the offence.

3. Paragraph 1 of the present article shall not apply if the person has had an opportunity to leave the requesting State and has not done so within [30/45] days of final discharge in respect of the offence for which that person was extradited or if the person has voluntarily returned to the territory of the requesting State after leaving it.

Article 15

Transit

1. Where a person is to be extradited to a Party from a third State through the territory of the other Party, the Party to which the person is to be extradited shall request the other Party to permit the transit of that person through its territory. This does not apply where air transport is used and no landing in the territory of the other Party is scheduled.

2. Upon receipt of such a request, which shall contain relevant information, the requested State shall deal with this request pursuant to procedures provided by its own law. The requested State shall grant the request expeditiously unless its essential interests would be prejudiced thereby.[55]

3. The State of transit shall ensure that legal provisions exist that would enable detaining the person in custody during transit.

4. In the event of an unscheduled landing, the Party to be requested to permit transit may, at the request of the escorting officer, hold the person in custody for [48] hours, pending receipt of the transit request to be made in accordance with paragraph 1 of the present article.

Article 16

Concurrent requests

If a Party receives requests for extradition for the same person from both the other Party and a third State it shall, at its discretion, determine to which of those States the person is to be extradited.

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[52] The laws of some countries require authentication before documents transmitted from other countries can be admitted in their courts and, therefore, would require a clause setting out the authentication required.

[53] Some countries may wish to add, as a third case, explicit consent of the person.

[54] Some countries may not wish to assume that obligation and may wish to include other grounds in determining whether or not to grant consent.

[55] Some countries may wish to agree on other grounds for refusal, which may also warrant refusal for extradition, such as those related to the nature of the offence (e.g. political, fiscal, military) or to the status of the person (e.g. their own nationals).

Article 17

COSTS

1. The requested State shall meet the cost of any proceedings in its jurisdiction arising out of a request for extradition.

2. The requested State shall also bear the costs incurred in its territory in connection with the seizure and handing over of property, or the arrest and detention of the person whose extradition is sought.[56]

3. The requesting State shall bear the costs incurred in conveying the person from the territory of the requested State, including transit costs.

Article 18

FINAL PROVISIONS

1. The present Treaty is subject to [ratification, acceptance or approval]. The instruments of [ratification, acceptance or approval] shall be exchanged as soon as possible.

2. The present Treaty shall enter into force on the thirtieth day after the day on which the instruments of [ratification, acceptance or approval] are exchanged.

3. The present Treaty shall apply to requests made after its entry into force, even if the relevant acts or omissions occurred prior to that date.

4. Either Contracting Party may denounce the present Treaty by giving notice in writing to the other Party. Such denunciation shall take effect six months following the date on which such notice is received by the other Party.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto by their respective Governments, have signed the present Treaty.

______________________ ______________________

DONE at ______________ on ______________ in the ______________ and ______________ languages, [both/all] texts being equally authentic.

Draft resolution XI

MODEL TREATY ON MUTUAL ASSISTANCE IN CRIMINAL MATTERS

The General Assembly,

Bearing in mind the Milan Plan of Action,[16] adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders and approved by the General Assembly in its resolution 40/32 of 29 November 1985,

Bearing in mind also the Guiding Principles for Crime Prevention and Criminal Justice in the Context of Development and a New International Economic Order,[17] principle 37 of which stipulates that the United Nations should prepare model instruments suitable for use as international and regional conventions and as guides for national implementing legislation,

Recalling resolution 1 of the Seventh Congress,[24] on organized crime, in which Member States were urged, *inter alia*, to increase their activity at the international level in order to combat organized crime, including, as appropriate, entering into bilateral treaties on extradition and mutual legal assistance,

Recalling also resolution 23 of the Seventh Congress,[24] on criminal acts of a terrorist character, in which all States were called upon to take steps to strengthen co-operation particularly, *inter alia*, in the area of mutual legal assistance,

Recalling further the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances,[42]

Acknowledging the valuable contributions to the development of a model treaty on mutual assistance in criminal matters that Governments, non-governmental organizations and individual experts have made, in particular the Government of Australia and the International Association of Penal Law,

Gravely concerned about the escalation of crime, both national and transnational,

Convinced that the establishment of bilateral and multilateral arrangements for mutual assistance in criminal matters will greatly contribute to the development of more effective international co-operation for the control of criminality,

Conscious of the need to respect human dignity and recalling the rights conferred upon every person involved in criminal proceedings, as embodied in the Universal Declaration of Human Rights[3] and the International Covenant on Civil and Political Rights,[4]

Recognizing the importance of a model treaty on mutual assistance in criminal matters as an effective way of dealing with the complex aspects and serious consequences of crime, especially in its new forms and dimensions,

1. *Adopts* the Model Treaty on Mutual Assistance in Criminal Matters together with the Optional Protocol thereto, contained in the annex to the present resolution, as a useful framework that could be of assistance to States interested in negotiating and concluding bilateral agreements aimed at improving co-operation in matters of crime prevention and criminal justice;

2. *Invites* Member States, if they have not yet established treaty relations with other States in the matter of mutual assistance in criminal matters, or if they wish to revise existing treaty relations, to take into account, whenever doing so, the Model Treaty;

3. *Urges* all States to strengthen further international co-operation and mutual assistance in criminal justice;

4. *Requests* the Secretary-General to bring the present resolution, with the Model Treaty and the Optional Protocol thereto, to the attention of Governments;

5. *Urges* Member States to inform the Secretary-General periodically of efforts undertaken to establish mutual assistance arrangements in criminal matters;

6. *Requests* the Committee on Crime Prevention and Control to review periodically the progress attained in this field;

7. *Also requests* the Committee on Crime Prevention and Control, where requested, to provide guidance and assistance to Member States in the development of legislation which would enable giving effect to the obligations which will be contained in such treaties as are to be negotiated on the basis of the Model Treaty;

8. *Invites* Member States, on request, to make available to the Secretary-General the provisions of their legislation on mutual assistance in criminal matters so that these may be made available to those Member States desiring to enact or further develop legislation in this field.

ANNEX

Model Treaty on Mutual Assistance in Criminal Matters

The ______________________ and the ______________________ ,

Desirous of extending to each other the widest measure of co-operation to combat crime,

Have agreed as follows:

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[56] Some countries may wish to consider reimbursement of costs incurred as a result of withdrawal of a request for extradition or provisional arrest.

Article 1

SCOPE OF APPLICATION[57]

1. The Parties shall, in accordance with the present Treaty, afford to each other the widest possible measure of mutual assistance in investigations or court proceedings in respect of offences the punishment of which at the time of the request for assistance, falls within the jurisdiction of the judicial authorities of the requesting State.

2. Mutual assistance to be afforded in accordance with the present Treaty may include:

(*a*) Taking evidence or statements from persons;

(*b*) Assisting in the availability of detained persons or others to give evidence or assist in investigations;

(*c*) Effecting service of judicial documents;

(*d*) Executing searches and seizures;

(*e*) Examining objects and sites;

(*f*) Providing information and evidentiary items;

(*g*) Providing originals or certified copies of relevant documents and records, including bank, financial, corporate or business records.

3. The present Treaty does not apply to:

(*a*) The arrest or detention of any person with a view to the extradition of that person;

(*b*) The enforcement in the requested State of criminal judgements imposed in the requesting State except to the extent permitted by the law of the requested State and the Optional Protocol to the present Treaty;

(*c*) The transfer of persons in custody to serve sentences;

(*d*) The transfer of proceedings in criminal matters.

Article 2[58]

OTHER ARRANGEMENTS

Unless Parties decide otherwise, the present Treaty shall not affect obligations subsisting between them whether pursuant to other treaties or arrangements or otherwise.

Article 3

DESIGNATION OF COMPETENT AUTHORITIES

Each Party shall designate and indicate to the other Party an authority or authorities by or through which requests for the purpose of the present Treaty should be made or received.

Article 4[59]

REFUSAL OF ASSISTANCE

1. Assistance may be refused if:[60]

(*a*) The requested State is of the opinion that the request, if granted, would prejudice its sovereignty, security, public order (*ordre public*) or other essential public interests;

(*b*) The offence is regarded by the requested State as being of a political nature;

(*c*) There are substantial grounds for believing that the request for assistance has been made for the purpose of prosecuting a person on account of that person's race, sex, religion, nationality, ethnic origin or political opinions or that that person's position may be prejudiced for any of those reasons;

(*d*) The request relates to an offence that is subject to investigation or prosecution in the requested State or the prosecution of which in the requesting State would be incompatible with the requested State's law on double jeopardy (*ne bis in idem*);

(*e*) The assistance requested requires the requested State to carry out compulsory measures that would be inconsistent with its law and practice had the offence been the subject of investigation or prosecution under its own jurisdiction;

(*f*) The act is an offence under military law, which is not also an offence under ordinary criminal law.

2. Assistance shall not be refused solely on the ground of secrecy of banks and similar financial institutions.

3. The requested State may postpone the execution of the request if its immediate execution would interfere with an ongoing investigation or prosecution in the requested State.

4. Before refusing a request or postponing its execution, the requested State shall consider whether assistance may be granted subject to certain conditions. If the requesting State accepts assistance subject to these conditions, it shall comply with them.

5. Reasons shall be given for any refusal or postponement of mutual assistance.

Article 5

CONTENTS OF REQUESTS

1. Requests for assistance shall include:[61]

(*a*) The name of the requesting office and the competent authority conducting the investigation or court proceedings to which the request relates;

(*b*) The purpose of the request and a brief description of the assistance sought;

(*c*) A description of the facts alleged to constitute the offence and a statement or text of the relevant laws, except in cases of a request for service of documents;

(*d*) The name and address of the person to be served, where necessary;

(*e*) The reasons for and details of any particular procedure or requirement that the requesting State wishes to be followed, including a statement as to whether sworn or affirmed evidence or statements are required;

(*f*) Specification of any time-limit within which compliance with the request is desired;

(*g*) Such other information as is necessary for the proper execution of the request.

2. Requests, supporting documents and other communications made pursuant to the present Treaty shall be accompanied by a translation into the language of the requested State or another language acceptable to that State.

3. If the requested State considers that the information contained in the request is not sufficient to enable the request to be dealt with, it may request additional information.

Article 6

EXECUTION OF REQUESTS[62]

Subject to article 19 of the present Treaty, requests for assistance shall be carried out promptly, in the manner provided for by the law and practice of the requested State. To the extent consistent with its law and practice, the requested State shall carry out the request in the manner specified by the requesting State.

Article 7

RETURN OF MATERIAL TO THE REQUESTED STATE

Any property, as well as original records or documents, handed over to the requesting State under the present Treaty shall be returned to the requested State as soon as possible unless the latter waives its right of return thereof.

Article 8[63]

LIMITATION ON USE

The requesting State shall not, without the consent of the requested State, use or transfer information or evidence provided by the requested State for investigations or proceedings other than those stated in the request. However, in cases where the charge is altered, the material provided may be used in so far as the offence, as charged, is an offence in respect of which mutual assistance could be provided under the present Treaty.

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[57] Additions to the scope of assistance to be provided, such as provisions covering information on sentences passed on nationals of the Parties, can be considered bilaterally. Obviously, such assistance must be compatible with the law of the requested State.

[58] Article 2 recognizes the continuing role of informal assistance between law enforcement agencies and associated agencies in different countries.

[59] Article 4 provides an illustrative list of the grounds for refusal.

[60] Some countries may wish to delete or modify some of the provisions or include other grounds for refusal, such as those related to the nature of the offence (e.g., fiscal), the nature of the applicable penalty (e.g., capital punishment), requirements of shared concepts (e.g., double jurisdiction, no lapse of time) or specific kinds of assistance (e.g., interception of telecommunications, performing deoxyribonucleic-acid (DNA) tests). In particular, some countries may wish to include as grounds for refusal the fact that the act on which the request is based would not be an offence if committed in the territory of the requested State (dual criminality).

[61] This list can be reduced or expanded in bilateral negotiations.

[62] More detailed provisions may be included concerning the provision of information on the time and place of execution of the request and requiring the requested State to inform promptly the requesting State in cases where significant delay is likely to occur or where a decision is made not to comply with the request and the reasons for refusal.

[63] Some countries may wish to omit article 8 or modify it, e.g. restrict it to fiscal offences.

Article 9

PROTECTION OF CONFIDENTIALITY[64]

Upon request:

(*a*) The requested State shall use its best endeavours to keep confidential the request for assistance, its contents and its supporting documents as well as the fact of granting of such assistance. If the request cannot be executed without breaching confidentiality, the requested State shall so inform the requesting State, which shall then determine whether the request should nevertheless be executed;

(*b*) The requesting State shall keep confidential evidence and information provided by the requested State, except to the extent that the evidence and information is needed for the investigation and proceedings described in the request.

Article 10

SERVICE OF DOCUMENTS[65]

1. The requested State shall effect service of documents that are transmitted to it for this purpose by the requesting State.

2. A request to effect service of summonses shall be made to a requested State not less than [. . .][66] days before the date on which the appearance of a person is required. In urgent cases, the requested State may waive the time requirement.

Article 11[67]

OBTAINING OF EVIDENCE

1. The requested State shall, in conformity with its law and upon request, take the sworn or affirmed testimony, or otherwise obtain statements of persons or require them to produce items of evidence for transmission to the requesting State.

2. Upon the request of the requesting State, the parties to the relevant proceedings in the requesting State, their legal representatives and representatives of the requesting State may, subject to the laws and procedures of the requested State, be present at the proceedings.

Article 12

RIGHT OR OBLIGATION TO DECLINE TO GIVE EVIDENCE

1. A person who is required to give evidence in the requested or requesting State may decline to give evidence where either:

(*a*) The law of the requested State permits or requires that person to decline to give evidence in similar circumstances in proceedings originating in the requested State; or

(*b*) The law of the requesting State permits or requires that person to decline to give evidence in similar circumstances in proceedings originating in the requesting State.

2. If a person claims that there is a right or obligation to decline to give evidence under the law of the other State, the State where that person is present shall, with respect thereto, rely on a certificate of the competent authority of the other State as evidence of the existence or non-existence of that right or obligation.

Article 13

AVAILABILITY OF PERSONS IN CUSTODY TO GIVE EVIDENCE OR TO ASSIST IN INVESTIGATIONS[68]

1. Upon the request of the requesting State, and if the requested State agrees and its law so permits, a person in custody in the latter State may, subject to his or her consent, be temporarily transferred to the requesting State to give evidence or to assist in the investigations.

2. While the person transferred is required to be held in custody under the law of the requested State, the requesting State shall hold that person in custody and shall return that person in custody to the requested State at the conclusion of the matter in relation to which transfer was sought or at such earlier time as the person's presence is no longer required.

3. Where the requested State advises the requesting State that the transferred person is no longer required to be held in custody, that person shall be set at liberty and be treated as a person referred to in article 14 of the present Treaty.

Article 14

AVAILABILITY OF OTHER PERSONS TO GIVE EVIDENCE OR ASSIST IN INVESTIGATIONS[69]

1. The requesting State may request the assistance of the requested State in inviting a person:

(*a*) To appear in proceedings in relation to a criminal matter in the requesting State unless that person is the person charged; or

(*b*) To assist in the investigations in relation to a criminal matter in the requesting State.

2. The requested State shall invite the person to appear as a witness or expert in proceedings or to assist in the investigations. Where appropriate, the requested State shall satisfy itself that satisfactory arrangements have been made for the person's safety.

3. The request or the summons shall indicate the approximate allowances and the travel and subsistence expenses payable by the requesting State.

4. Upon request, the requested State may grant the person an advance, which shall be refunded by the requesting State.

Article 15[70]

SAFE CONDUCT

1. Subject to paragraph 2 of the present article, where a person is in the requesting State pursuant to a request made under article 13 or 14 of the present Treaty:

(*a*) That person shall not be detained, prosecuted, punished or subjected to any other restrictions of personal liberty in the requesting State in respect of any acts or omissions or convictions that preceded the person's departure from the requested State;

(*b*) That person shall not, without that person's consent, be required to give evidence in any proceeding or to assist in any investigation other than the proceeding or investigation to which the request relates.

2. Paragraph 1 of the present article shall cease to apply if that person, being free to leave, has not left the requesting State within a period of [15] consecutive days, or any longer period otherwise agreed on by the Parties, after that person has been officially told or notified that his or her presence is no longer required or, having left, has voluntarily returned.

3. A person who does not consent to a request pursuant to article 13 or accept an invitation pursuant to article 14 shall not, by reason thereof, be liable to any penalty or be subjected to any coercive measure, notwithstanding any contrary statement in the request or summons.

Article 16

PROVISION OF PUBLICLY AVAILABLE DOCUMENTS AND OTHER RECORDS[71]

1. The requested State shall provide copies of documents and records in so far as they are open to public access as part of a public register or otherwise, or in so far as they are available for purchase or inspection by the public.

2. The requested State may provide copies of any other document or record under the same conditions as such document or record may be provided to its own law enforcement and judicial authorities.

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[64] Provisions relating to confidentiality will be important for many countries but may present problems to others. The nature of the provisions in individual treaties can be determined in bilateral negotiations.

[65] More detailed provisions relating to the service of documents, such as writs and judicial verdicts, can be determined bilaterally. Provisions may be desired for the service of documents by mail or other manner and for the forwarding of proof of service of the documents. For example, proof of service could be given by means of a receipt dated and signed by the person served or by means of a declaration made by the requested State that service has been effected, with an indication of the form and date of such service. One or other of these documents could be sent promptly to the requesting State. The requested State could, if the requesting State so requests, state whether service has been effected in accordance with the law of the requested State. If service could not be effected, the reasons could be communicated promptly by the requested State to the requesting State.

[66] Depending on travel distance and related arrangements.

[67] Article 11 is concerned with the obtaining of evidence in judicial proceedings, the taking of a person's statement by a less formal process and the production of items of evidence.

[68] In bilateral negotiations, provisions may also be introduced to deal with such matters as the modalities and time of restitution of evidence and the setting of a time-limit for the presence of the person in custody in the requesting State.

[69] Provisions relating to the payment of the expenses of the person providing assistance are contained in paragraph 3 of article 14. Additional details, such as provision for the payment of costs in advance, can be the subject of bilateral negotiations.

[70] The provisions in article 15 may be required as the only way of securing important evidence in proceedings involving serious national and transnational crime. However, as they may raise difficulties for some countries, the precise content of the article, including any additions or modifications, can be determined in bilateral negotiations.

[71] The question may arise as to whether this should be discretionary. This provision can be the subject of bilateral negotiations.

Article 17

SEARCH AND SEIZURE[72]

The requested State shall, in so far as its law permits, carry out requests for search and seizure and delivery of any material to the requesting State for evidentiary purposes, provided that the rights of *bona fide* third parties are protected.

Article 18

CERTIFICATION AND AUTHENTICATION[73]

A request for assistance and the documents in support thereof, as well as documents or other material supplied in response to such a request, shall not require certification or authentication.

Article 19

COSTS[74]

The ordinary costs of executing a request shall be borne by the requested State, unless otherwise determined by the Parties. If expenses of a substantial or extraordinary nature are or will be required to execute the request, the Parties shall consult in advance to determine the terms and conditions under which the request shall be executed as well as the manner in which the costs shall be borne.

Article 20

CONSULTATION

The Parties shall consult promptly, at the request of either, concerning the interpretation, the application or the carrying out of the present Treaty either generally or in relation to a particular case.

Article 21

FINAL PROVISIONS

1. The present Treaty is subject to [ratification, acceptance or approval]. The instruments of [ratification, acceptance or approval] shall be exchanged as soon as possible.

2. The present Treaty shall enter into force on the thirtieth day after the day on which the instruments of [ratification, acceptance or approval] are exchanged.

3. The present Treaty shall apply to requests made after its entry into force, even if the relevant acts or omissions occurred prior to that date.

4. Either Contracting Party may denounce the present Treaty by giving notice in writing to the other Party. Such denunciation shall take effect six months following the date on which it is received by the other Party.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto by their respective Governments, have signed the present Treaty.

DONE at ____________ on ____________ in the ____________ and ____________ languages, [both/all] texts being equally authentic.

Optional Protocol to the Model Treaty on Mutual Assistance in Criminal Matters concerning the proceeds of crime[75]

1. In the present Protocol "proceeds of crime" means any property suspected, or found by a court, to be property directly or indirectly derived or realized as a result of the commission of an offence or to represent the value of property and other benefits derived from the commission of an offence.

2. The requested State shall, upon request, endeavour to ascertain whether any proceeds of the alleged crime are located within its jurisdiction and shall notify the requesting State of the results of its inquiries. In making the request, the requesting State shall notify the requested State of the basis of its belief that such proceeds may be located within its jurisdiction.

3. In pursuance of a request made under paragraph 2 of the present Protocol, the requested State shall endeavour to trace assets, investigate financial dealings, and obtain other information or evidence that may help to secure the recovery of proceeds of crime.

4. Where, pursuant to paragraph 2 of the present Protocol, suspected proceeds of crime are found, the requested State shall upon request take such measures as are permitted by its law to prevent any dealing in, transfer or disposal of, those suspected proceeds of crime, pending a final determination in respect of those proceeds by a court of the requesting State.

5. The requested State shall, to the extent permitted by its law, give effect to or permit enforcement of a final order forfeiting or confiscating the proceeds of crime made by a court of the requesting State or take other appropriate action to secure the proceeds following a request by the requesting State.[76]

6. The Parties shall ensure that the rights of *bona fide* third parties shall be respected in the application of the present Protocol.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto by their respective Governments, have signed the present Protocol.

DONE at ____________ on ____________ in the ____________ and ____________ languages, [both/all] texts being equally authentic.

Draft resolution XII

MODEL TREATY ON THE TRANSFER OF PROCEEDINGS IN CRIMINAL MATTERS

The General Assembly,

Recalling the Milan Plan of Action,[16] adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders and approved by the General Assembly in its resolution 40/32 of 29 November 1985,

Recalling also the Guiding Principles for Crime Prevention and Criminal Justice in the Context of Development and a New International Economic Order,[17] principle 37 of which stipulates that the United Nations should prepare model instruments suitable for use as international and regional conventions and as guides for national implementing legislation,

Recalling further resolution 12 of the Seventh Congress,[24] on the transfer of proceedings in criminal matters, in which the Committee on Crime Prevention and Control was requested to study the question and to consider the possibility of formulating a model agreement in this area,

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[72] Bilateral arrangements may cover the provision of information on the results of search and seizure and the observance of conditions imposed in relation to the delivery of seized property.

[73] The laws of some countries require authentication before documents transmitted from other countries can be admitted in their courts, and, therefore, would require a clause setting out the authentication required.

[74] More detailed provisions may be included. For example, the requested State would meet the ordinary cost of fulfilling the request for assistance except that the requesting State would bear (*a*) the exceptional or extraordinary expenses required to fulfil the request, where required by the requested State and subject to previous consultations; (*b*) the expenses associated with conveying any person to or from the territory of the requested State, and any fees, allowances or expenses payable to that person while in the requesting State pursuant to a request under article 11, 13 or 14; (*c*) the expenses associated with conveying custodial or escorting officers; and (*d*) the expenses involved in obtaining reports of experts.

[75] The present Optional Protocol is included on the ground that questions of forfeiture are conceptually different from, although closely related to, matters generally accepted as falling within the description of mutual assistance. However, States may wish to include these provisions in the text because of their importance in dealing with organized crime. Moreover, assistance in forfeiting the proceeds of crime has now emerged as a new instrument in international co-operation. Provisions similar to those outlined in the present Protocol appear in many bilateral assistance treaties. Further details can be provided in bilateral arrangements. One matter that could be considered is the need for other provisions dealing with issues related to bank secrecy. An addition could, for example, be made to paragraph 4 of the present Protocol providing that the requested State shall, upon request, take such measures as are permitted by its law to require compliance with monitoring orders by financial institutions. Provision could be made for the sharing of the proceeds of crime between the Contracting States or for consideration of the disposal of the proceeds on a case-by-case basis.

[76] The Parties might consider widening the scope of the present Protocol by the inclusion of references to victims' restitution and the recovery of fines imposed as a sentence in a criminal prosecution.

Acknowledging the valuable contributions made by Governments, non-governmental organizations and individual experts to the drafting of a model treaty on the transfer of proceedings in criminal matters, in particular the International Expert Meeting on the United Nations and Law Enforcement, held under the auspices of the United Nations at Baden, Austria, from 16 to 19 November 1987, the Interregional Preparatory Meeting for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders on topic V, "United Nations norms and guidelines in crime prevention and criminal justice: implementation and priorities for further standard setting"[77] and the regional preparatory meetings for the Eighth Congress,

Convinced that the establishment of bilateral and multilateral arrangements for the transfer of proceedings in criminal matters will greatly contribute to the development of more effective international co-operation aimed at controlling crime,

Conscious of the need to respect human dignity and recalling the rights conferred upon every person involved in criminal proceedings, as embodied in the Universal Declaration of Human Rights[3] and the International Covenant on Civil and Political Rights,[4]

Recognizing the importance of a model treaty on the transfer of proceedings in criminal matters as an effective way of dealing with the complex aspects, consequences and modern evolution of transnational crime,

1. *Adopts* the Model Treaty on the Transfer of Proceedings in Criminal Matters, contained in the annex to the present resolution, as a useful framework that could be of assistance to States interested in negotiating and concluding bilateral or multilateral treaties aimed at improving co-operation in matters of crime prevention and criminal justice;

2. *Invites* Member States, if they have not yet established treaty relations with other States in regard to transfer of proceedings in criminal matters, or if they wish to revise existing treaty relations, to take the Model Treaty into account whenever doing so;

3. *Urges* Member States to strengthen international co-operation in criminal justice;

4. *Also urges* Member States to inform the Secretary-General periodically of efforts undertaken to establish arrangements for the transfer of proceedings in criminal matters;

5. *Requests* the Committee on Crime Prevention and Control to conduct periodic reviews of the progress attained in this field;

6. *Requests* the Secretary-General to assist Member States, at their request, in the development of treaties on the transfer of proceedings in criminal matters and to report regularly thereon to the Committee.

ANNEX

Model Treaty on the Transfer of Proceedings in Criminal Matters

The ____________________ and the ____________________ ,

Desirous of further strengthening international co-operation and mutual assistance in criminal justice, on the basis of the principles of respect for national sovereignty and jurisdiction and of non-interference in the internal affairs of States,

Believing that such co-operation should further the ends of justice, the social resettlement of offenders and the interests of the victims of crime,

Bearing in mind that the transfer of proceedings in criminal matters contributes to effective administration of justice and to reducing conflicts of competence,

Aware that the transfer of proceedings in criminal matters can help to avoid pre-trial detention and thus reduce the prison population,

Convinced, therefore, that the transfer of proceedings in criminal matters should be promoted,

Have agreed as follows:

Article 1

SCOPE OF APPLICATION

1. When a person is suspected of having committed an offence under the law of a State which is a Contracting Party, that State may, if the interests of the proper administration of justice so require, request another State which is a Contracting Party to take proceedings in respect of this offence.

2. For the purpose of applying the present Treaty, the Contracting Parties shall take the necessary legislative measures to ensure that a request of the requesting State to take proceedings shall allow the requested State to exercise the necessary jurisdiction.

Article 2

CHANNELS OF COMMUNICATIONS

A request to take proceedings shall be made in writing. The request, supporting documents and subsequent communication shall be transmitted through diplomatic channels, directly between the Ministries of Justice or any other authorities designated by the Parties.

Article 3

REQUIRED DOCUMENTS

1. The request to take proceedings shall contain or be accompanied by the following information:

(*a*) The authority presenting the request;

(*b*) A description of the act for which transfer of proceedings is being requested, including the specific time and place of the offence;

(*c*) A statement on the results of investigations which substantiate the suspicion of an offence;

(*d*) The legal provisions of the requesting State on the basis of which the act is considered to be an offence;

(*e*) A reasonably exact statement on the identity, nationality and residence of the suspected person.

2. The documents submitted in support of a request to take proceedings shall be accompanied by a translation into the language of the requested State or into another language acceptable to that State.

Article 4

CERTIFICATION AND AUTHENTICATION

Subject to national law and unless the Parties decide otherwise, a request to take proceedings and the documents in support thereof, as well as the documents and other material supplied in response to such a request, shall not require certification or authentication.[78]

Article 5

DECISION ON THE REQUEST

The competent authorities of the requested State shall examine what action to take on the request to take proceedings in order to comply, as fully as possible, with the request under their own law, and shall promptly communicate their decision to the requesting State.

Article 6

DUAL CRIMINALITY

A request to take proceedings can be complied with only if the act on which the request is based would be an offence if committed in the territory of the requested State.

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[77] See A/CONF.144/IPM.5 and Corr.1.

[78] The laws of some countries require authentication before documents transmitted from other countries can be admitted in their courts and, therefore, would require a clause setting out the authentication required.

Article 7

GROUNDS FOR REFUSAL

If the requested State refuses acceptance of a request for transfer of proceedings, it shall communicate the reasons for refusal to the requesting State. Acceptance may be refused if:[79]

(*a*) The suspected person is not a national of or ordinary resident in the requested State;

(*b*) The act is an offence under military law, which is not also an offence under ordinary criminal law;

(*c*) The offence is in connection with taxes, duties, customs or exchange;

(*d*) The offence is regarded by the requested State as being of a political nature.

Article 8

THE POSITION OF THE SUSPECTED PERSON

1. The suspected person may express to either State his or her interest in the transfer of the proceedings. Similarly, such interest may be expressed by the legal representative or close relatives of the suspected person.

2. Before a request for transfer of proceedings is made, the requesting State shall, if practicable, allow the suspected person to present his or her views on the alleged offence and the intended transfer, unless that person has absconded or otherwise obstructed the course of justice.

Article 9

THE RIGHTS OF THE VICTIM

The requesting and requested States shall ensure in the transfer of proceedings that the rights of the victim of the offence, in particular his or her right to restitution or compensation, shall not be affected as a result of the transfer. If a settlement of the claim of the victim has not been reached before the transfer, the requested State shall permit the representation of the claim in the transferred proceedings, if its law provides for such a possibility. In the event of the death of the victim, these provisions shall apply to his or her dependants accordingly.

Article 10

EFFECTS OF THE TRANSFER OF PROCEEDINGS ON THE REQUESTING STATE (*NE BIS IN IDEM*)

Upon acceptance by the requested State of the request to take proceedings against the suspected person, the requesting State shall provisionally discontinue prosecution, except necessary investigation, including judicial assistance to the requested State, until the requested State informs the requesting State that the case has been finally disposed of. From that date on, the requesting State shall definitely refrain from further prosecution of the same offence.

Article 11

EFFECTS OF THE TRANSFER OF PROCEEDINGS ON THE REQUESTED STATE

1. The proceedings transferred upon agreement shall be governed by the law of the requested State. When charging the suspected person under its law, the requested State shall make the necessary adjustment with respect to particular elements in the legal description of the offence. Where the competence of the requested State is based on the provision set forth in paragraph 2 of article 1 of the present Treaty, the sanction pronounced in that State shall not be more severe than that provided by the law of the requesting State.

2. As far as compatible with the law of the requested State, any act with a view to proceedings or procedural requirements performed in the requesting State in accordance with its law shall have the same validity in the requested State as if the act had been performed in or by the authorities of that State.

3. The requested State shall inform the requesting State of the decision taken as a result of the proceedings. To this end a copy of any final decision shall be transmitted to the requesting State upon request.

Article 12

PROVISIONAL MEASURES

When the requesting State announces its intention to transmit a request for transfer of proceedings, the requested State may, upon a specific request made for this purpose by the requesting State, apply all such provisional measures, including provisional detention and seizure, as could be applied under its own law if the offence in respect of which transfer of proceedings is requested had been committed in its territory.

Article 13

THE PLURALITY OF CRIMINAL PROCEEDINGS

When criminal proceedings are pending in two or more States against the same suspected person in respect of the same offence, the States concerned shall conduct consultations to decide which of them alone should continue the proceedings. An agreement reached thereupon shall have the consequences of a request for transfer of proceedings.

Article 14

COSTS

Any costs incurred by a Contracting Party because of a transfer of proceedings shall not be refunded, unless otherwise agreed by both the requesting and requested States.

Article 15

FINAL PROVISIONS

1. The present Treaty is subject to [ratification, acceptance or approval]. The instruments of [ratification, acceptance or approval] shall be exchanged as soon as possible.

2. The present Treaty shall enter into force on the thirtieth day after the day on which the instruments of [ratification, acceptance or approval] are exchanged.

3. The present Treaty shall apply to requests made after its entry into force, even if the relevant acts or omissions occurred prior to that date.

4. Either Contracting Party may denounce the present Treaty by giving notice in writing to the other Party. Such denunciation shall take effect six months following the date on which it is received by the other Party.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto by their respective Governments, have signed the present Treaty.

______________________ ______________________

DONE at ____________ on ____________ in the ____________ and ____________ languages, [both/all] texts being equally authentic.

Draft resolution XIII

MODEL TREATY ON THE TRANSFER OF SUPERVISION OF OFFENDERS CONDITIONALLY SENTENCED OR CONDITIONALLY RELEASED

The General Assembly,

Bearing in mind the Milan Plan of Action,[16] adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders and approved by the General Assembly in its resolution 40/32 of 29 November 1985,

Bearing in mind also the Guiding Principles for Crime Prevention and Criminal Justice in the Context of Development and a New International Economic Order,[17] principle 37 of which stipulates that the United Nations should prepare model instruments suitable for use as international and regional conventions and as guides for national implementing legislation,

Recalling resolution 13 of the Seventh Congress,[24] on the transfer of supervision of foreign offenders who have been conditionally sentenced or conditionally released, in which the Committee on Crime Prevention and Control was requested to study this subject and to consider the possibility of formulating a model treaty in this area,

Acknowledging the valuable contributions made by Governments, non-governmental organizations and individual experts to the drafting of a model treaty on the transfer of supervision of offenders conditionally sentenced or conditionally released, in particular the International Expert Meeting on the United Nations and Law Enforcement, held under the auspices of the United Nations at Baden, Austria, from 16 to 19 November 1987, the Interregional Preparatory Meeting for the Eighth United Nations Congress on the

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[79] When negotiating on the basis of the present Model Treaty, States may wish to add other grounds for refusal or conditions to this list, relating, for example, to the nature or gravity of the offence, to the protection of fundamental human rights, or to considerations of public order.

Prevention of Crime and the Treatment of Offenders on topic V, "United Nations norms and guidelines in crime prevention and criminal justice: implementation and priorities for further standard setting"[77] and the regional preparatory meetings for the Eighth Congress,

Convinced that the establishment of bilateral and multilateral arrangements for transfer of supervision of offenders conditionally sentenced or conditionally released will greatly contribute to the development of more effective international co-operation in penal matters,

Conscious of the need to respect human dignity and recalling the rights conferred upon every person involved in criminal proceedings, as embodied in the Universal Declaration of Human Rights[3] and the International Covenant on Civil and Political Rights,[4]

1. *Adopts* the Model Treaty on the Transfer of Supervision of Offenders Conditionally Sentenced or Conditionally Released, contained in the annex to the present resolution, as a useful framework that could be of assistance to States interested in negotiating and concluding bilateral or multilateral treaties aimed at improving co-operation in matters of crime prevention and criminal justice;

2. *Invites* Member States, if they have not yet established treaty relations with other States in the area of the transfer of supervision of offenders conditionally sentenced or conditionally released, or if they wish to revise existing treaty relations, to take into account the Model Treaty whenever doing so;

3. *Urges* all Member States to strengthen international co-operation in criminal justice;

4. *Also urges* Member States to inform the Secretary-General periodically of efforts undertaken to establish arrangements on the transfer of supervision of offenders conditionally sentenced or conditionally released;

5. *Requests* the Committee on Crime Prevention and Control to conduct periodic reviews of the progress attained in this field;

6. *Requests* the Secretary-General to assist Member States, at their request, in the development of treaties on the transfer of supervision of offenders conditionally sentenced or conditionally released and to report regularly thereon to the Committee.

ANNEX

Model Treaty on the Transfer of Supervision of Offenders Conditionally Sentenced or Conditionally Released

The ______________________ and the ______________________ ,

Desirous of further strengthening international co-operation and mutual assistance in criminal justice, on the basis of the principles of respect for national sovereignty and jurisdiction and of non-interference in the internal affairs of States,

Believing that such co-operation should further the ends of justice, the social resettlement of sentenced persons and the interests of the victims of crime,

Bearing in mind that the transfer of supervision of offenders conditionally sentenced or conditionally released can contribute to an increase in the use of alternatives to imprisonment,

Aware that supervision in the home country of the offender rather than enforcement of the sentence in a country where the offender has no roots also contributes to an earlier and more effective reintegration into society,

Convinced, therefore, that the social rehabilitation of offenders and the increased application of alternatives to imprisonment would be promoted by facilitating the supervision of conditionally sentenced or conditionally released offenders in their State of ordinary residence,

Have agreed as follows:

Article 1

SCOPE OF APPLICATION

1. The present Treaty shall be applicable, if, according to a final court decision, a person has been found guilty of an offence and has been:

(*a*) Placed on probation without sentence having been pronounced;

(*b*) Given a suspended sentence involving deprivation of liberty;

(*c*) Given a sentence, the enforcement of which has been modified (parole) or conditionally suspended, in whole or in part, either at the time of the sentence or subsequently.

2. The State where the decision was taken (sentencing State) may request another State (administering State) to take responsibility for applying the terms of the decision (transfer of supervision).

Article 2

CHANNELS OF COMMUNICATIONS

A request for the transfer of supervision shall be made in writing. The request, supporting documents and subsequent communication shall be transmitted through diplomatic channels, directly between the Ministries of Justice or any other authorities designated by the Parties.

Article 3

REQUIRED DOCUMENTS

1. A request for the transfer of supervision shall contain all necessary information on the identity, nationality and residence of the sentenced person. The request shall be accompanied by the original or a copy of any court decision referred to in article 1 of the present Treaty and a certificate that this decision is final.

2. The documents submitted in support of a request for transfer of supervision shall be accompanied by a translation into the language of the requested State or into another language acceptable to that State.

Article 4

CERTIFICATION AND AUTHENTICATION

Subject to national law and unless the Parties decide otherwise, a request for transfer of supervision and the documents in support thereof, as well as the documents and other material supplied in response to such a request, shall not require certification or authentication.[80]

Article 5

DECISION ON THE REQUEST

The competent authorities of the administering State shall examine what action to take on the request for supervision in order to comply, as fully as possible, with the request under their own law, and shall promptly communicate their decision to the sentencing State.

Article 6

DUAL CRIMINALITY[81]

A request for transfer of supervision can be complied with only if the act on which the request is based would constitute an offence if committed in the territory of the administering State.

Article 7

GROUNDS FOR REFUSAL[82]

If the administering State refuses acceptance of a request for transfer of supervision, it shall communicate the reasons for refusal to the sentencing State. Acceptance may be refused where:

(*a*) The sentenced person is not an ordinary resident in the administering State;

(*b*) The act is an offence under military law, which is not also an offence under ordinary criminal law;

(*c*) The offence is in connection with taxes, duties, customs or exchange;

(*d*) The offence is regarded by the administering State as being of a political nature;

(*e*) The administering State, under its own law, can no longer carry out the supervision or enforce the sanction in the event of revocation because of lapse of time.

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[80] The laws of some countries require authentication before documents transmitted from other countries can be admitted in their courts and, therefore, would require a clause setting out the authentication required.

[81] When negotiating on the basis of the present Model Treaty, States may wish to waive the requirement of dual criminality.

[82] When negotiating on the basis of the present Model Treaty, States may wish to add other grounds for refusal or conditions to this list, relating, for example, to the nature or gravity of the offence, to the protection of fundamental human rights, or to considerations of public order.

Article 8

THE POSITION OF THE SENTENCED PERSON

Whether sentenced or standing trial, a person may express to the sentencing State his or her interest in a transfer of supervision and his or her willingness to fulfil any conditions to be imposed. Similarly, such interest may be expressed by his or her legal representative or close relatives. Where appropriate, the Contracting States shall inform the offender or his or her close relatives of the possibilities under the present Treaty.

Article 9

THE RIGHTS OF THE VICTIM

The sentencing State and the administering State shall ensure in the transfer of supervision that the rights of the victims of the offence, in particular his or her rights to restitution or compensation, shall not be affected as a result of the transfer. In the event of the death of the victim, this provision shall apply to his or her dependants accordingly.

Article 10

THE EFFECTS OF THE TRANSFER OF SUPERVISION ON THE SENTENCING STATE

The acceptance by the administering State of the responsibility for applying the terms of the decision rendered in the sentencing State shall extinguish the competence of the latter State to enforce the sentence.

Article 11

THE EFFECTS OF THE TRANSFER OF SUPERVISION ON THE ADMINISTERING STATE

1. The supervision transferred upon agreement and the subsequent procedure shall be carried out in accordance with the law of the administering State. That State alone shall have the right of revocation. That State may, to the extent necessary, adapt to its own law the conditions or measures prescribed, provided that such conditions or measures are, in terms of their nature or duration, not more severe than those pronounced in the sentencing State.

2. If the administering State revokes the conditional sentence or conditional release, it shall enforce the sentence in accordance with its own law without, however, going beyond the limits imposed by the sentencing State.

Article 12

REVIEW, PARDON AND AMNESTY

1. The sentencing State alone shall have the right to decide on any application to reopen the case.

2. Each Party may grant pardon, amnesty or commutation of the sentence in accordance with the provisions of its Constitution or other laws.

Article 13

INFORMATION

1. The Contracting Parties shall keep each other informed, in so far as it is necessary, of all circumstances likely to affect measures of supervision or enforcement in the administering State. To this end they shall transmit to each other copies of any relevant decisions in this respect.

2. After expiration of the period of supervision, the administering State shall provide to the sentencing State, at its request, a final report concerning the supervised person's conduct and compliance with the measures imposed.

Article 14

COSTS

Supervision and enforcement costs incurred in the administering State shall not be refunded, unless otherwise agreed by both the sentencing State and the administering State.

Article 15

FINAL PROVISIONS

1. The present Treaty is subject to [ratification, acceptance or approval]. The instruments of [ratification, acceptance or approval] shall be exchanged as soon as possible.

2. The present Treaty shall enter into force on the thirtieth day after the day on which the instruments of [ratification, acceptance or approval] are exchanged.

3. The present Treaty shall apply to requests made after its entry into force, even if the relevant acts or omissions occurred prior to that date.

4. Either Contracting Party may denounce the present Treaty by giving notice in writing to the other Party. Such denunciation shall take effect six months following the date on which it is received by the other Party.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto by their respective Governments, have signed the present Treaty.

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DONE at ________ on ________ in the ________ and ________ languages, [both/all] texts being equally authentic.

Draft resolution XIV

CRIME PREVENTION AND CRIMINAL JUSTICE: EXPRESSION OF APPRECIATION TO THE GOVERNMENT AND PEOPLE OF CUBA ON THE OCCASION OF THE EIGHTH UNITED NATIONS CONGRESS ON THE PREVENTION OF CRIME AND THE TREATMENT OF OFFENDERS

The General Assembly,

Taking into account the significance and the results of the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Havana from 27 August to 7 September 1990,

Expresses its deep appreciation to the Government and people of Cuba for acting as host to the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders.

Draft resolution XV

EIGHTH UNITED NATIONS CONGRESS ON THE PREVENTION OF CRIME AND THE TREATMENT OF OFFENDERS

The General Assembly,

Deeply concerned about the steady rise in crime in many parts of the world, particularly its dangerous new forms and transnational dimensions,

Conscious of the negative effects of crime on the quest for sustained development, a secure environment and a better quality of life,

Recognizing the importance to all countries of more effective crime prevention and criminal justice in furthering socio-economic development, political stability and a propitious climate for national growth and world peace,

Recalling its resolution 40/32 of 29 November 1985, in which it approved the Milan Plan of Action[16] as a useful and effective means of strengthening international co-operation in the field of crime prevention and criminal justice and invited Governments to be guided by it in the formulation of appropriate legislation and policy directives and to make continuous efforts to implement the principles contained in the Caracas Declaration[15] and other relevant resolutions and recommendations, in accordance with the economic, social, cultural and political circumstances of each country,

Recalling also its resolution 44/72 of 8 December 1989, in which it stressed the importance of the programme of work of the United Nations in crime prevention and criminal justice and the necessity of strengthening it in order to make it more responsive to the needs and expectations of Member States, whose stability and social peace, as well as law enforcement and judicial structures, might be undermined by the growing level and impact of criminality, and requested the Secretary-General to ensure that the level of human and financial resources of the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs of the Secretariat is sufficient for it to carry out its multiple tasks mandated by United Nations policy-making bodies, including the promotion of collaborative action by Governments on problems of mutual concern, evaluation research, the collection and dissemination of information, the preparation of reports and studies and technical co-operation activities, and to ensure that the specialized nature of the programme of work of the Branch is fully reflected in its management and staffing,

Recalling further its resolution 42/59 of 30 November 1987, in which it invited the Committee on Crime Prevention and Control to accord priority to preparations for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders and to ensure adequate follow-up to the review of the functioning and programme of work of the United Nations in the field of crime prevention and criminal justice undertaken by the Economic and Social Council and its resolution 43/99 of 8 December 1988, in which it stressed the necessity for Member States to continue to make concerted and systematic efforts to strengthen international co-operation in crime prevention and criminal justice,

Emphasizing the responsibility assumed by the United Nations in crime prevention under General Assembly resolution 415 (V) of 1 December 1950, which was affirmed by the Economic and Social Council in its resolutions 731 F (XXVIII) of 30 July 1959 and 830 D (XXXII) of 2 August 1961, and in the promotion and strengthening of international co-operation in this field in accordance with Assembly resolutions 3021 (XXVII) of 18 December 1972, 32/59 and 32/60 of 8 December 1977, 35/171 of 15 December 1980, 36/21 of 9 November 1981 and 40/32,

Recalling Economic and Social Council resolutions 1986/10 and 1986/11 of 21 May 1986, 1987/49 and 1987/53 of 28 May 1987, 1988/44 of 27 May 1988 and 1989/68 and 1989/69 of 24 May 1989,

Taking note, in particular, of Economic and Social Council resolution 1990/27 of 24 May 1990, in which the Council invited the General Assembly, at its forty-fifth session, to take appropriate measures to ensure the timely implementation and proper follow-up of the recommendations of the Eighth Congress,

Acknowledging that the United Nations congresses, as major intergovernmental forums, have influenced national policies and practices by facilitating the exchange of views and experiences, mobilizing public opinion and recommending policy options at the national, regional and international levels, thus making a significant contribution to progress and the promotion of international co-operation in this field,

Mindful of the main objectives of the United Nations in the field of crime prevention and criminal justice, which include the promotion of a more effective administration of justice, the strengthening of international co-operation in the fight against international crime, the observance of human rights and the pursuance of the highest standards of fairness, efficiency, humanity and professional conduct,

Reaffirming the validity of the guidelines for setting international standards in the field of human rights, contained in its resolution 41/120 of 4 December 1986, and the need to give due consideration in this work to the established international legal framework,

Emphasizing the importance of continuing to provide Governments with the maximum opportunity to submit written comments and to participate in the formulation of international instruments and model treaties,

Bearing in mind the theme of the Eighth Congress, "International co-operation in crime prevention and criminal justice for the twenty-first century", and the importance of preserving peace, freedom and justice as essential conditions for development and international co-operation,

Noting the fact that the Eighth Congress, in pursuance of that theme, paid particular attention to the question of crime prevention and criminal justice in the context of development and the realities and perspectives of international co-operation in this field; underlined the need for granting this question higher priority at the United Nations system level; recommended major instruments to facilitate inter-State co-operation against crime, giving particular attention to the linkage between illicit drug trafficking, organized crime and terrorist criminal activities, the efficiency and effectiveness of national systems of criminal justice, the computerization of criminal justice and the non-institutional treatment of offenders, domestic violence and the prevention of juvenile delinquency; and identified other priority areas for practical action, such as environmental protection, in accordance with the requests of the General Assembly,[13]

Noting also that the programme of work of the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs of the Secretariat has expanded in recent years,

Aware that crime prevention and criminal justice must be considered not only in the context of public systems, social and cultural values and social evolution, but also in the context of consistent economic development, and alarmed by the growing threat of organized crime, whose destabilizing and corrupting influence on basic economic and political institutions poses a challenge that demands more effective international co-operation,

Considering that the formulation and implementation of rules and guidelines in the field of crime prevention and criminal justice provide a basis for the introduction of improvements in criminal justice at the national and regional levels,

Reaffirming its determination to improve regional and international co-operation to foster further progress in this area, including implementation of the recommendations of the Eighth Congress, according to an orderly timetable reflecting priorities, taking into account the results of the meeting of the intergovernmental working group and the ministerial meeting to be held in 1991,[83]

Having considered the report of the Eighth Congress, the report of the Secretary-General on the implementation of the resolutions and recommendations of the Seventh Congress (A/45/324) and the report of the Secretary-General on the implementation of the conclusions of the Eighth Congress (A/45/629), submitted in pursuance of resolution 44/72,

1. *Expresses its satisfaction* with the successful results achieved by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders and the thorough preparations for the Congress, overseen by the Committee on Crime Prevention and Control as the preparatory body, which contributed to its productive outcome, and by the regional and interregional preparatory meetings convened in co-operation with the regional commissions, the United Nations institutes for the prevention of crime and the treatment of offenders and interested Governments;

2. *Takes note* of the report of the Eighth Congress,[13] as well as the report of the Secretary-General on the implemen-

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[83] See resolution 45/108.

tation of the recommendations of the Seventh Congress and his report on the conclusions of the Eighth Congress;

3. *Welcomes* the instruments and resolutions adopted by the Eighth Congress,[84] and invites Governments to be guided by them in the formulation of appropriate legislation and policy directives and to make efforts to implement the principles contained in them and in the relevant instruments and resolutions approved by previous congresses and other relevant resolutions, in accordance with the economic, social, legal, cultural and political circumstances of each country;

4. *Endorses* the decision of the Eighth Congress that priority attention should be given to specific practical measures to combat international crime over the forthcoming five-year period,[84] bearing in mind the criteria set out in the relevant regulations and rules governing programme planning;

5. *Invites* Member States to monitor systematically the steps being taken to ensure co-ordination of efforts in the planning and execution of effective and humane measures to reduce the social costs of crime and its negative effects on the development process, as well as to continue to explore new avenues for international co-operation in this field;

6. *Invites* the Committee on Crime Prevention and Control at its twelfth session to examine the implications of the resolutions and recommendations of the Eighth Congress for the programmes of the United Nations system and to make specific recommendations on the implementation of the resolutions and recommendations in its report to the Economic and Social Council at its first regular session of 1992, in accordance with the priorities to be set by the ministerial meeting to be held in 1991;

7. *Requests* the Economic and Social Council to examine, at its first regular session of 1992, the report of the Committee on Crime Prevention and Control referred to in paragraph 6 above, in order to provide, within the United Nations system, overall policy guidance in crime prevention and criminal justice, and to undertake periodically the review, monitoring and appraisal of the resolutions and recommendations of the Eighth Congress, and the priority accorded to them;

8. *Emphasizes* the urgent need to be responsive to the calls of the Eighth Congress for strengthening the operational aspects of the United Nations programme of work in crime prevention and criminal justice, with a view to assisting interested countries in developing self-reliant and adequate law enforcement and judicial structures;

9. *Urges* all entities of the United Nations system, including the regional commissions and the institutes for crime prevention and the treatment of offenders and the relevant non-governmental organizations having consultative status with the Economic and Social Council to become actively involved in the implementation of the resolutions and recommendations of the Eighth Congress;

10. *Also urges* the Department of Technical Co-operation for Development of the Secretariat, the United Nations Development Programme and other pertinent bodies to give full support to projects of technical assistance, in particular to developing countries, in the field of crime prevention and criminal justice and to encourage technical co-operation among developing countries;

11. *Requests* the Secretary-General to use his best endeavours to translate into action, as appropriate, the resolutions recommended by the Eighth Congress for adoption by the General Assembly and to provide adequate follow-up of the other resolutions unanimously adopted by the Congress, and to do so in accordance with the priorities indicated by the Congress;

12. *Invites* the Secretary-General to use his best endeavours to review the resources required to enable the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs of the Secretariat to discharge its responsibilities in accordance with the mandates and tasks recommended by the Eighth Congress;

13. *Requests* the Secretary-General to consider including in the proposed programme budget for the biennium 1992-1993 programme and resources proposals to assist with the long-term solution of the problems posed by the implementation of existing mandates;

14. *Also requests* the Secretary-General to circulate the report of the Eighth Congress to Member States and intergovernmental and non-governmental organizations in order to ensure that it is disseminated as widely as possible and to conduct appropriate public information activities in this field;

15. *Further requests* the Secretary-General to submit to the General Assembly, at its forty-sixth session, a report on the measures taken to implement the present resolution;

16. *Decides* to include in the provisional agenda of its forty-sixth session the item entitled "Crime prevention and criminal justice".

Draft resolution XVI

CRIMINAL JUSTICE EDUCATION

The General Assembly,

Aware that one of the main objectives of the United Nations in the field of crime prevention and criminal justice is the continued promotion of a more effective administration of justice, the strengthening of international co-operation in the fight against transnational crime, the observance of human rights and the pursuance of the highest standards of fairness, efficiency, humanity and professional conduct,

Recalling in this context its resolution 44/72 of 8 December 1989 in which it expressed the hope that the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders would make a major contribution to the solution of problems related to crime prevention and criminal justice,

Noting the views expressed at previous congresses concerning the need for collaboration between criminal justice agencies and educational authorities in the development of crime prevention programmes,

Recognizing that existing approaches to crime prevention and control have not always proved effective,

Calling attention to its resolution 42/104 of 7 December 1987, by which it proclaimed the year 1990 as International Literacy Year, the aim of which is the eradication of illiteracy in the world, and its resolution 44/127 of 15 December 1989,

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[84] See A/CONF.144/28, chap. I.

Bearing in mind its resolution 44/61 of 8 December 1989 on the development of public information activities in the field of human rights,

Convinced that the development of public information activities in the field of criminal justice should include the creation and implementation of mechanisms to enable Member States, intergovernmental and non-governmental organizations and professional criminal justice associations to be familiar with ongoing criminal justice and crime prevention activities in the work of the United Nations,

Mindful that the Eighth Congress, in its resolution 5 of 5 September 1990 on the consolidation of the role of national correspondents in the crime prevention and criminal justice field, resolution 14 of 6 September 1990 on social aspects of crime prevention and criminal justice in the context of development, resolution 19 of 7 September 1990 on management of criminal justice and development of sentencing policies, and resolution 4 of 5 September 1990 on international co-operation and mutual assistance through training programmes and exchange of expertise,[85] as well as in its resolution on the computerization of criminal justice, recommended to the General Assembly for adoption,[86] made several recommendations for strengthening education activities in the criminal justice field, which included better dissemination of information on those activities among interested Member States and other parties,

Mindful also that education has a potential role to play in ameliorating the conditions that give rise to crime and to the consequences of criminality,

Determined that education should play an important role in crime prevention and criminal justice through such means as education for the general awareness of the public, education of the young for crime prevention, education aimed at the total personal development of prisoners and other offenders and continuing education of the criminal justice personnel;

Aware that comprehensive approaches are required for a lasting and systemic impact on criminal justice education with a view to attaining higher standards of fairness, efficiency and professional conduct of criminal justice personnel,

1. *Endorses* the initiatives made by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in the above-mentioned resolutions, which aim at strengthening national and international efforts in criminal justice education, including the enhancement of the role of criminal justice education in the activities of Member States, intergovernmental and non-governmental organizations and national correspondents in the field of crime prevention and control;

2. *Invites* Member States to review existing education practices in respect of both offenders and personnel in crime prevention and criminal justice;

3. *Also invites* Member States to involve educational experts, as appropriate, in crime prevention and criminal justice and to encourage related educational research and publications;

4. *Further invites* Member States to advise criminal justice staff periodically through their professional associations, journals or other publications and records, on United Nations developments relevant to their area of work;

5. *Invites* all Member States to include in their educational curricula materials relevant to a comprehensive understanding of criminal justice and crime prevention issues, and encourages all those responsible for criminal law and criminal justice reforms, training in law and its enforcement, the armed forces, medicine, diplomacy and other relevant fields to include appropriate criminal justice and crime prevention components in their programmes;

6. *Also invites* Member States to encourage collaboration between criminal justice agencies and educational authorities in the development of crime prevention programmes and to encourage educational authorities to give increased attention to ethical and socialization programmes in their curricula and to other relevant measures referred to in the inventory of comprehensive crime prevention measures submitted to the Eighth Congress;[87]

7. *Requests* the Secretary-General to explore the possibility of increased use of education in crime prevention and criminal justice with a view to preparing a study on the relationship between crime, education and development and of presenting the first results in a progress report to be submitted to the Committee on Crime Prevention and Control at its twelfth session;

8. *Also requests* the Secretary-General, through the Department of Public Information of the Secretariat in co-operation with other offices and national correspondents in the field of crime-prevention and control, to continue to develop and maintain a list of criminal justice journals and relevant public media programmes, with a view to the dissemination of information on United Nations activities in the field of crime prevention and criminal justice for educational purposes;

9. *Further requests* the Secretary-General to bring to the attention of relevant national criminal justice and educational authorities the United Nations standards, norms and other selected recommendations with a view to ensuring their more widespread and systematic dissemination in relevant training and educational programmes;

10. *Requests* the Secretary-General to develop technical co-operation programmes, including interregional advisory services, with a view to enhancing the role of education in the operation of crime prevention and criminal justice, taking into account the interdisciplinary nature of such co-operation programmes;

11. *Recommends* that the Secretary-General should establish, subject to the availability of extrabudgetary funds, electronic data bases within the United Nations Criminal Justice Information Network, which should include information on the network of national correspondents in the field of crime prevention and criminal justice and information on educational and training programmes in the criminal justice field, with a view to disseminating information to the international criminal justice community more effectively;

12. *Invites* the relevant intergovernmental and non-governmental organizations to contribute substantively, logistically and financially to the development of educational programmes within the United Nations crime prevention and criminal justice programme and to the establishing of the above-mentioned data bases;

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[85] *Ibid.*, chap. I, sect. B.

[86] See resolution 45/109.

[87] See A/CONF.144/9.

13. *Urges* the United Nations institutes for the prevention of crime and the treatment of offenders to include educational issues in their research and training programmes;

14. *Requests* the Committee on Crime Prevention and Control, as the preparatory body for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, to keep the matter under review;

15. *Recommends* that the Committee on Crime Prevention and Control and preparatory meetings to the Ninth Congress further consider the role of education with a view to facilitating educational approaches in crime prevention and criminal justice.

Draft resolution XVII

INTERNATIONAL CO-OPERATION IN COMBATING ORGANIZED CRIME

The General Assembly,

Recalling the responsibility assumed by the United Nations in the field of crime prevention and criminal justice,

Concerned that organized crime has increased in many parts of the world and has become more transnational in character, leading, in particular, to the spread of such negative phenomena as violence, terrorism, corruption and illegal trade in narcotic drugs and, in general, undermining the development process, impairing the quality of life and threatening human rights and fundamental freedoms,

Recalling Economic and Social Council resolution 1989/70 of 24 May 1989 and General Assembly resolution 44/71 of 8 December 1989,

Taking note of resolution 15 entitled "Organized crime" and resolution 24 entitled "Prevention and control of organized crime", adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Havana from 27 August to 7 September 1990,[88]

Recalling its resolution S-17/2 of 23 February 1990,

Convinced of the need to strengthen international co-operation in combating organized crime,

Noting with appreciation that the Eighth Congress explored the possibilities and ways of strengthening further international co-operation in combating organized crime and adopted the Guidelines for the prevention and control of organized crime, as contained in the annex to its resolution 24, as well as model treaties relating to it,[89]

1. *Urges* Member States to give favourable consideration to the implementation of the Guidelines for the prevention and control of organized crime at both national and international levels;

2. *Invites* Member States to make available to the Secretary-General, on request, the provisions of their legislation relating to money laundering, the tracing, monitoring and forfeiture of the proceeds of crime and the monitoring of large-scale cash transactions and other measures so that they may be made available to Member States desiring to enact or further develop legislation in these fields;

3. *Requests* the Committee on Crime Prevention and Control to consider ways of strengthening international co-operation in combating organized crime, taking due account of the opinions of Governments, international organizations and non-governmental organizations, as well as opinions expressed at and decisions taken by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, and to submit its views, through the Economic and Social Council, to the General Assembly at its forty-seventh session;

4. *Requests* the Secretary-General to include activities of the United Nations crime prevention and criminal justice programme, related to organized crime, in the United Nations System-Wide Action Plan on Drug Abuse Control;[90]

5. *Calls upon* Member States, international organizations and interested non-governmental organizations to co-operate with the United Nations in organizing the International Seminar on Organized Crime Control, to be held in Moscow in October 1991.

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52. The Third Committee also recommends to the General Assembly the adoption of the following draft decision:

CRIME PREVENTION AND CRIMINAL JUSTICE

The General Assembly:

(*a*) Requests the Secretary-General and the United Nations Development Programme to explore, as a matter of urgency, the possibilities for full funding of the African Institute for the Prevention of Crime and the Treatment of Offenders through voluntary contributions;

(*b*) Requests the Secretary-General to submit a report to the General Assembly at its forty-sixth session on the situation of the African Institute and all other autonomous institutes of the United Nations, and to include therein, if appropriate, proposals for a balance between voluntary contributions and financing through the regular budget.

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[88] See A/CONF.144/28, chap. I, sect. C.

[89] *Ibid.*, chap. IV, sect. C.1.

[90] See E/1990/39 and Corr.1 and 2 and Add.1.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 68th plenary meeting, on 14 December 1990, the General Assembly took action on the draft resolutions and draft decisions submitted by the Third Committee in its reports on agenda items 94, 95 and 100.

Draft resolutions I to IV and the draft decision submitted in the report on agenda item 94 (A/45/750, paras. 21 and 22) were adopted as follows: draft resolution I was adopted by a recorded vote of 121 to 1, with 20 abstentions, and draft resolutions II to IV and the draft decision were adopted without a vote. For the final texts, see resolutions 45/96 to 45/99 and decision 45/427.[91]

Draft resolutions I to III submitted in the report on agenda item 95 (A/45/751, para. 12), were adopted without a vote. For the final texts, see resolutions 45/100 to 45/102.[91]

Draft resolutions I to XVII and the draft decision submitted in the report on agenda item 100 (A/45/756, paras. 51 and 52) were adopted without a vote. For the final texts, see resolutions 45/107 to 45/123 and decision 45/428.[91]

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[91] See *Official Records of the General Assembly, Forty-fifth Session, Supplement No. 49.*

LIST OF OTHER DOCUMENTS PERTAINING TO THE ITEMS

Symbol	*Title or description*	*Agenda item*	*Observations and references*
A/45/3 and Add.1 and 2	Report of the Economic and Social Council for the year 1990 (chap. V, sects. A and C)	94, 100	See *Official Records of the General Assembly, Forty-fifth Session, Supplement* No. 3
A/45/203-S/21231	Letter dated 5 April 1990 from the representative of Israel to the Secretary-General	100	
A/45/205-S/21236	Letter dated 6 April 1990 from the representative of Israel to the Secretary-General	100	
A/45/207-S/21238	Letter dated 9 April 1990 from the representative of Israel to the Secretary-General	100	
A/45/216-S/21248	Letter dated 12 April 1990 from the representative of Israel to the Secretary-General	100	
A/45/221-S/21254	Letter dated 13 April 1990 from the representative of Israel to the Secretary-General	100	
A/45/222-S/21255	Letter dated 18 April 1990 from the representative of Israel to the Secretary-General	100	
A/45/225-S/21256	Letter dated 19 April 1990 from the representative of Israel to the Secretary-General	100	
A/45/254-S/21271	Letter dated 24 April 1990 from the representative of Israel to the Secretary-General	100	
A/45/264-S/21283	Letter dated 1 May 1990 from the representative of Israel to the Secretary-General	100	
A/45/265-S/21284	Letter dated 2 May 1990 from the representative of Israel to the Secretary-General	100	
A/45/266-S/21285	Letter dated 3 May 1990 from the representative of Israel to the Secretary-General	100	
A/45/267-S/21287	Letter dated 4 May 1990 from the representative of Israel to the Secretary-General	100	
A/45/269-S/21288	Letter dated 7 May 1990 from the representative of Israel to the Secretary-General	100	
A/45/270-S/21290	Letter dated 8 May 1990 from the representative of Israel to the Secretary-General	100	
A/45/272-S/21293	Letter dated 9 May 1990 from the representative of Israel to the Secretary-General	100	
A/45/275-E/1990/74	Letter dated 11 May 1990 from the representative of Albania to the Secretary-General	100	
A/45/280 and Corr.1	Letter dated 16 May 1990 from the representative of Iraq to the Secretary-General	100	
A/45/324	Implementation of the resolutions and recommendations of the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders: report of the Secretary-General	100	
A/45/338-E/1990/103	Letter dated 9 July 1990 from the representative of Albania to the Secretary-General	100	
A/45/381-E/1990/118	Letter dated 3 August 1990 from the representative of Albania to the Secretary-General	100	
A/45/523	Respect for the right of everyone to own property alone as well as in association with others and its contribution to the economic and social development of Member States: report of the Secretary-General	94	
A/45/524	Report of the Secretary-General	95	
A/45/587	Humanitarian assistance to victims of natural disasters and similar emergency situations: report of the Secretary-General	95	
A/45/590	Development of public information activities in the field of human rights: report of the Secretary-General	94	

Symbol	*Title or description*	*Agenda item*	*Observations and references*
A/45/629	Implementation of the conclusions of the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders: report of the Secretary-General	100	
A/45/640	Right to development: note by the Secretary-General transmitting the results of the Global Consultation on the Realization of the Right to Development as a Human Right	94	
A/45/673	———— : report of the Secretary-General	94	
A/45/973 and Add.1	Appointment of the members of the Intergovernmental Working Group on a Crime Prevention and Criminal Justice Programme: note by the Secretary-General	100	
A/C.3/45/L.23	Draft resolution	100	See A/45/756, paras. 34 and 51, draft resolution XIV
A/C.3/45/L.26	*Idem*	94	See A/45/750, paras. 5 and 21, draft resolution I
A/C.3/45/L.27	*Idem*	95	See A/45/751, paras. 5 and 12, draft resolution I
A/C.3/45/L.28	*Idem*	94	See A/45/750, paras. 9, 10 and 21, draft resolution II
A/C.3/45/L.29	*Idem*	100	See A/45/756, para. 38
A/C.3/45/L.29/Rev.1	Revised draft resolution	100	*Ibid.*, paras. 40 and 51, draft resolution XV
A/C.3/45/L.30	Draft resolution	100	*Ibid.*, paras. 44 and 51, draft resolution XVI
A/C.3/45/L.31	*Idem*	95	See A/45/751, paras. 8 and 12, draft resolution II
A/C.3/45/L.32	*Idem*	94	See A/45/750, paras. 13 and 21, draft resolution III
A/C.3/45/L.33	*Idem*	100	See A/45/756, paras. 47 and 51, draft resolution XVII
A/C.3/45/L.34	*Idem*	95	See A/45/751, paras. 10 and 12, draft resolution III
A/C.3/45/L.35	*Idem*	94	See A/45/750, paras. 19 and 21, draft resolution IV
A/C.3/45/L.36	Programme budget implications of the draft resolutions and instruments contained in chapter I, section A, of document A/CONF.144/28: note by the Secretary-General	100	
A/C.3/45/L.37	Programme budget implications of the draft resolution contained in document A/C.3/45/L.29: note by the Secretary-General	100	
A/C.3/45/L.37/Add.1	Programme budget implications of the draft resolution contained in document A/C.3/45/L.29/Rev.1: note by the Secretary-General	100	
A/C.3/45/L.42	Amendments to document A/C.3/45/L.32	94	See A/45/750, para. 14
A/C.3/45/L.46	Amendments to the draft resolutions and instruments contained in chapter I, section A, of document A/CONF.144/28	100	See A/45/756, para. 6
A/C.3/45/L.102	Draft decision	100	*Ibid.*, paras. 49 and 52
A/CONF.144/28	Report of the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders		*United Nations publication, Sales No. E.91.IV.2*

Programme budget implications of draft resolutions I to IV, VI, IX to XIII and XV submitted by the Third Committee in document A/45/756

A/C.5/45/59	Note by the Secretary-General		
A/45/845	Report of the Fifth Committee		See annex fascicle, agenda item 118

United Nations

GENERAL ASSEMBLY

Official Records

Agenda items 101 and 102*

ANNEXES

FORTY-FIFTH SESSION

NEW YORK, 1990/1991

Agenda item 101: Elimination of all forms of discrimination against women
Agenda item 102: Forward-looking strategies for the advancement of women to the year 2000

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DOCUMENT A/45/757

Report of the Third Committee on agenda item 101

[*Original: English*]
[*27 November 1990*]

1. At its 3rd plenary meeting, on 21 September 1990, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its forty-fifth session, as item 101, the item entitled "Elimination of all forms of discrimination against women", and to allocate it to the Third Committee for consideration and report.

2. The Third Committee considered the item jointly with item 102 at its 18th to 24th, 31st, 39th and 40th meetings, held between 24 October and 13 November 1990. An account of the Committee's discussion is contained in the summary records of the meetings (A/C.3/45/SR.18-24, 31, 39 and 40).

3. For its consideration of the item, the Committee had before it the following documents:

[*See the list of documents at the end of the present fascicle.*]

4. At the 18th meeting, the Director of the Division for the Advancement of Women of the Centre for Social Development and Humanitarian Affairs of the Secretariat, the Focal Point for Women in the Office of the Assistant Secretary-General for Human Resources Management, and the Director of the United Nations Development Fund for Women made introductory statements.

5. At the 31st meeting, the representative of Denmark, on behalf of Australia, Austria, Bangladesh, Bulgaria, Canada, Chile, China, Costa Rica, Cuba, Czechoslovakia, Denmark, Ecuador, El Salvador, Ethiopia, Finland, France, Germany, Greece, Hungary, Iceland, Indonesia, Italy, Mexico, Myanmar, Norway, the Philippines, Poland, Portugal, Romania, Spain, Sri Lanka, Suriname, Sweden, Turkey, the Ukrainian Soviet Socialist Republic, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, Viet Nam and Yugoslavia, introduced a draft resolution (A/C.3/45/L.22) entitled "Convention on the Elimination of All Forms of Discrimination against Women". Subsequently, Nigeria and Senegal joined in sponsoring the draft resolution.

6. At its 40th meeting, the Committee was informed that the draft resolution had no programme budget implications.

7. At the same meeting, the Committee adopted the draft resolution (see para. 8 below).

Recommendation of the Third Committee

8. The Third Committee recommends to the General Assembly the adoption of the following draft resolution:

CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

The General Assembly,

Bearing in mind that one of the purposes of the United Nations, as stated in Articles 1 and 55 of the Charter, is to promote universal respect for human rights and fundamental freedoms for all without distinction of any kind, including distinction as to sex,

Affirming that women and men should participate equally in social, economic and political development, should contribute equally to such development and should share equally in improved conditions of life,

Recalling its resolution 34/180 of 18 December 1979, by which it adopted the Convention on the Elimination of All Forms of Discrimination against Women,

Recalling also its previous resolutions on the Convention and taking note of Economic and Social Council resolution 1990/17 of 24 May 1990,

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* For the records of the relevant meetings, see *Official Records of the General Assembly, Forty-fifth Session, Third Committee*, 18th to 24th, 31st, 39th and 40th meetings, and corrigendum; and *ibid., Plenary Meetings*, 68th meeting. For the prior consideration of the questions dealt with under these items, see *Official Records of the General Assembly, Forty-fourth Session, Annexes*, agenda items 94, 103 and 104.

Taking note of resolution 34/6 of 8 March 1990 of the Commission on the Status of Women,[1]

Taking note also of the decisions taken on 6 February 1990 at the Fifth Meeting of States Parties to the Convention,[2]

Aware of the important contribution that the implementation of the Nairobi Forward-looking Strategies for the Advancement of Women[3] can make to eliminating all forms of discrimination against women and to achieving legal and *de facto* equality between women and men,

Noting the emphasis placed by the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace, on the ratification of and accession to the Convention,

Having considered the report of the Committee on the Elimination of Discrimination against Women on its ninth session (A/45/38 and Corr.1),

Noting that the Committee agreed, in examining reports, to take due account of the different cultural and socio-economic systems of States parties to the Convention,

Recalling that in article 17, paragraph 9, of the Convention, the Secretary-General is required to provide the necessary staff and facilities for the effective performance of the functions of the Committee,

Recalling also its resolution 44/73 of 8 December 1989 in which, *inter alia*, it strongly supported the view of the Committee that the Secretary-General should accord higher priority to strengthening support for the Committee,

Welcoming the general recommendations of the Committee contained in its reports on its seventh,[4] eighth[5] and ninth sessions (A/45/38 and Corr.1, sect. IV),

1. *Welcomes* the ratification of or accession to the Convention on the Elimination of All Forms of Discrimination against Women by an increasing number of Member States;

2. *Urges* all States that have not yet ratified or acceded to the Convention to do so as soon as possible;

3. *Emphasizes* the importance of the strictest compliance by States parties with their obligations under the Convention;

4. *Takes note* of the report of the Secretary-General (A/45/426) and requests him to submit annually to the General Assembly a report on the status of the Convention;

5. *Also takes note* of the report of the Committee on the Elimination of Discrimination against Women on its ninth session;

6. *Invites* States parties to the Convention to make all possible efforts to submit their initial as well as their second and subsequent periodic reports on the implementation of the Convention, in accordance with article 18 thereof and with the guidelines provided by the Committee, and to co-operate fully with the Committee in the presentation of their reports;

7. *Welcomes* the efforts made by the Committee to rationalize its procedures and expedite the consideration of periodic reports and to develop procedures and guidelines for the consideration of second and subsequent periodic reports, and strongly encourages the Committee to continue those efforts;

8. *Welcomes also*, in accordance with the Committee's general recommendation No. 11,[5] the initiatives taken to provide regional training courses on the preparation and drafting of reports of States parties for government officials and training and information seminars for States considering acceding to the Convention, and urges the relevant organs and organizations of the United Nations to support such initiatives;

9. *Recognizes* the special relevance of the periodic reports of States parties to the Convention to the efforts of the Commission on the Status of Women to review and appraise the implementation of the Nairobi Forward-looking Strategies for the Advancement of Women in those countries;

10. *Requests* the Secretary-General to continue his efforts to provide secretariat staff, including legal staff expert in human rights treaty implementation, and technical resources for the effective performance by the Committee of its functions;

11. *Strongly supports* the view of the Committee that the Secretary-General should accord higher priority within existing resources to strengthening technical and substantive support for the Committee, in particular to assist in preparatory research;

12. *Requests* the Secretary-General to undertake a comprehensive review of the resources available and necessary to ensure adequate support to the Committee and to the effective implementation of all other aspects of the programme on the advancement of women, and to report thereon to the General Assembly at its forty-sixth session;

13. *Welcomes* the establishment of a pre-session working group of the Committee to consider second and subsequent periodic reports, which should greatly expedite the work of the Committee, and urges that this practice be continued, within the regular budget allocation;

14. *Requests* the Secretary-General to continue to provide for, facilitate and encourage, within existing resources, the dissemination of information relating to the Committee, its recommendations, the Convention and the concept of legal literacy, taking into account the Committee's own recommendations to that end;

15. *Recommends* that sessions of the Committee should be scheduled, whenever possible, to allow for the timely transmission of the results of its work to the Commission on the Status of Women, for information, in the same year;

16. *Requests* the Secretary-General to submit to the General Assembly at its forty-sixth session a report on the implementation of the present resolution, and to transmit the report to the Commission on the Status of Women at its thirty-sixth session.

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[1] See *Official Records of the Economic and Social Council, 1990, Supplement No. 5* (E/1990/25), chap. I, sect. C.

[2] See CEDAW/SP/17.

[3] *Report of the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace, Nairobi, 15-26 July 1985* (United Nations publication, Sales No. E.85.IV.10), chap. I, sect. A.

[4] *Official Records of the General Assembly, Forty-third Session, Supplement No. 38* (A/43/38), sect. V.

[5] *Ibid., Forty-fourth Session, Supplement No. 38* (A/44/38), sect. V.

DOCUMENT A/45/758

Report of the Third Committee on agenda item 102

[*Original: English*]
[*27 November 1990*]

1. At its 3rd plenary meeting, on 21 September 1990, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its forty-fifth session, as item 102, the item entitled "Forward-looking strategies for the advancement of women to the year 2000", and to allocate it to the Third Committee for consideration and report.

2. The Third Committee considered the item jointly with item 101 at its 18th to 24th, 31st, 39th and 40th meetings, held between 24 October and 13 November 1990. An account of the Committee's discussion is contained in the summary records of the meetings (A/C.3/45/SR.18-24, 31, 39 and 40).

3. For its consideration of the item, the Committee had before it the following documents:

[*See the list of documents at the end of the present fascicle.*]

4. At the 18th meeting, the Director of the Division for the Advancement of Women of the Centre for Social Development and Humanitarian Affairs of the Secretariat, the Focal Point for Women in the Office of the Assistant Secretary-General for Human Resources Management, and the Director of the United Nations Development Fund for Women made introductory statements.

Consideration of proposals

Draft resolution A/C.3/45/L.19 and Rev.1 and 2

5. On 30 October 1990, a draft resolution (A/C.3/45/L.19) entitled "Improvement of the status of women in the Secretariat", sponsored by Australia, Austria, the Bahamas, the Byelorussian Soviet Socialist Republic, Canada, Chile, Denmark, Finland, Greece, Iceland, Indonesia, Ireland, Italy, Malaysia, the Netherlands, New Zealand, Norway, the Philippines, Sweden, Turkey, the United States of America, Uruguay and Venezuela, was circulated. The draft resolution read as follows:

[*Same text as the preambular part and paragraphs 1 to 3 and 5 to 9 of draft resolution A/C.3/45/L.19/Rev.1 below.*]

At the 31st meeting, the representative of the United States of America, on behalf of Australia, Austria, the Bahamas, the Byelorussian Soviet Socialist Republic, Canada, Chile, Côte d'Ivoire, Denmark, Finland, Greece, Guinea, Guinea-Bissau, Iceland, Indonesia, Ireland, Italy, Malaysia, the Netherlands, New Zealand, Norway, the Philippines, Poland, Senegal, Sweden, Turkey, the United States of America, Uruguay, Venezuela, Yugoslavia and Zaire, introduced a revised version (A/C.3/45/L.19/Rev.1) of the draft resolution. Subsequently, Mongolia and Papua New Guinea joined in sponsoring the revised draft resolution, which read as follows:

"*The General Assembly*,

"*Recalling* Articles 8, 100, and 101 of the Charter of the United Nations,

"*Recalling also* its resolution 2715 (XXV) of 15 December 1970, in which it first addressed the question of the employment of women in the Professional category, and all relevant resolutions that have continued to focus on this area since then,

"*Recalling further* the report of the Secretary-General of 8 November 1985 on the improvement of the status of women in the Secretariat[6] which was submitted pursuant to Assembly resolution 39/245 of 18 December 1984,

"*Recalling* the relevant paragraphs of the Nairobi Forward-looking Strategies for the Advancement of Women,[3] and in particular paragraphs 315, 356 and 358 thereof,

"*Noting* the recommendations for action contained in the fourth report of the Steering Committee for the Improvement of the Status of Women in the Secretariat, of 30 June 1988,[7] and realizing that they have not all been implemented,

"*Noting also* that the Steering Committee has resumed its work and will soon be submitting a report with recommendations to the Secretary-General,

"*Noting further* that the Office of Human Resources Management of the Secretariat has implemented some special emergency measures pursuant to fulfilling the mandate found in paragraph 27 of the report of the Secretary-General of 8 November 1985 on the improvement of the status of women in the Secretariat and subsequent resolutions on this topic,

"*Noting with appreciation* the fact that the report of the Secretary-General of 1 October 1990 on the improvement of the status of women in the Secretariat (A/45/548) was submitted under the item entitled 'Forward-looking strategies for the advancement of women to the year 2000',

"*Noting with concern* that, although there has been a slight increase in the percentage of women in the Secretariat, women still constitute less than 30 per cent of the Professional staff and there has been a decrease in the number of women at the level of Assistant Secretary-General and above in the last twelve months,

"*Taking note* of Economic and Social Council resolution 1990/3 of 24 May 1990,

"1. *Reiterates* its full support for the Secretary-General as chief administrative officer of the Organization and his prerogatives and responsibilities under the Charter of the United Nations;

"2. *Asserts* that the paramount consideration in the employment of all staff shall be the necessity of securing the highest standards of efficiency, competence and integrity and that the improvement of the status of women in the Secretariat will contribute to upholding this principle;

"3. *Urges* the Secretary-General to continue all possible efforts to increase the number of women employed throughout the United Nations system, particularly in senior policy-level and decision-making posts, in order to achieve an overall participation rate of 30 per cent by the end of 1990 and 35 per cent by 1995, with due regard to equitable geographical distribution, in accordance with the report of the Secretary-General of 8 November 1985,[6] all relevant subsequent resolutions and the proposed medium-term plan for the period 1992-1997 (see A/45/6);

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[6] A/C.5/40/30.

[7] See A/C.5/43/14, annex I.

"4. *Requests* the Secretary-General to increase the representation of women from developing countries, including at the senior and policy-formulating levels, in view of the small proportion of women from those countries;

"5. *Requests* that Member States continue to support the efforts of the United Nations, the specialized agencies and the regional commissions to increase the percentage of women in the Professional category and above by, *inter alia*, nominating more women candidates, especially for senior policy-level and decision-making posts, by encouraging women to apply for vacant posts and by creating national rosters of women candidates to be shared with the Secretariat, the governing bodies of the specialized agencies and the regional commissions;

"6. *Also requests* that the Secretary-General continue to address the unfulfilled points of the action programme for the improvement of the Status of Women in the Secretariat,[8] which aims at the creation of a framework for the advancement of women as an integrated component of the United Nations policy-making process and by so doing fulfil the goal of this action programme to secure and maintain the attitudinal changes and the management commitment required for the full participation of women in the work of the Secretariat under conditions of equality;

"7. *Further requests* that the Secretary-General include in his report to the General Assembly and the Commission on the Status of Women an action programme for the advancement of women in the Secretariat for the period 1991-1995, further to the request made in resolution 44/75 of 8 December 1989, which will in turn include a comprehensive evaluation and analysis by the Secretariat of the main obstacles to the improvement of the status of women in the Secretariat and propose solutions to overcome those obstacles;

"8. *Requests* that the Secretary-General, within existing resources, ensure that adequate machinery, with the authority of enforcement and the responsibility of accountability, and including a senior-level official devoted to implementation of the action programme, is maintained and, to the extent possible, strengthened during the course of the programme for the period 1991-1995;

"9. *Also requests* the Secretary-General to ensure that his annual report on progress achieved and future strategies to implement action programmes on the status of women in the Secretariat and the relevant mandates adopted by the General Assembly and the Economic and Social Council and the recommendations of the new Steering Committee are submitted to the Commission on the Status of Women at its thirty-fifth session and to the General Assembly at its forty-sixth session for consideration under the item entitled 'Forward-looking Strategies for the Advancement of Women to the Year 2000'."

6. At the 39th meeting, the representative of the United States of America, on behalf of Australia, Austria, the Bahamas, the Byelorussian Soviet Socialist Republic, Canada, Chile, Côte d'Ivoire, Cyprus, Denmark, Finland, Greece, Guinea, Guinea-Bissau, Iceland, Indonesia, Ireland, Italy, Jamaica, Malaysia, Mongolia, the Netherlands, New Zealand, Norway, Panama, Papua New Guinea, the Philippines, Poland, Senegal, Sweden, Turkey, the Union of Soviet Socialist Republics, the United States of America, Uruguay, Venezuela, Yugoslavia and Zaire, introduced a further revised version (A/C.3/45/L.19/Rev.2) of the draft resolution. Subsequently, Benin, Cameroon, Nigeria and Samoa joined in sponsoring the revised draft resolution.

7. The changes in the revised draft resolution were as follows:

(*a*) In the first preambular paragraph, the words "Articles 8, 100 and 101" were replaced by "Articles 1, 8, 97 and 101";

(*b*) Paragraphs 1 and 2 were deleted;

(*c*) In new paragraph 1 (former paragraph 3), the words ", in accordance with the Charter of the United Nations," were inserted after the words "to continue" and the words "and particularly from the developing countries in view of the small proportion of women from these countries in such posts", were inserted after the words "decision-making posts",

(*d*) Former paragraph 4 was deleted.

8. At the 40th meeting, the Secretary of the Committee read out a statement on the programme budget implications of the revised draft resolution.

9. At the same meeting, the Committee adopted the revised draft resolution (see para. 20 below, draft resolution I).

10. After the adoption of the draft resolution, the representatives of the United Kingdom of Great Britain and Northern Ireland and Japan made statements.

Draft resolution A/C.3/45/L.20

11. At the 31st meeting, the representative of Canada, on behalf of Algeria, Argentina, Australia, Bangladesh, Burkina Faso, Cameroon, Canada, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Denmark, Ecuador, Ethiopia, Finland, France, Germany, Ghana, Guinea, Guinea-Bissau, Indonesia, Iran (Islamic Republic of), Italy, Jamaica, Japan, Malaysia, Mali, Mexico, Mongolia, Morocco, Nepal, Norway, Poland, Samoa, Senegal, Sweden, Thailand, Turkey and the Union of Soviet Socialist Republics, introduced a draft resolution (A/C.3/45/L.20) entitled "Women and literacy". Subsequently, Guyana, Niger and Nigeria joined in sponsoring the draft resolution.

12. At its 40th meeting, the Committee adopted the draft resolution (see para. 20 below, draft resolution II).

Draft resolution A/C.3/45/L.21

13. At the 31st meeting, the representative of Austria, on behalf of Algeria, Austria, the Bahamas, Bangladesh, the Byelorussian Soviet Socialist Republic, Cameroon, Denmark, Egypt, Italy, Liechtenstein, Malaysia, the Netherlands, New Zealand, Nigeria, Norway, Senegal, Sweden and Venezuela, introduced a draft resolution (A/C.3/45/L.21) entitled "Interregional consultation on women in public life". Subsequently, Samoa joined in sponsoring the draft resolution.

14. At its 40th meeting, the Committee adopted the draft resolution (see para. 20 below, draft resolution III).

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[8] A/C.5/40/30, sect. III.B.

Draft resolution A/C.3/45/L.24

15. At the 31st meeting, the representative of India, also on behalf of Mexico, the Netherlands and Senegal, introduced a draft resolution (A/C.3/45/L.24) entitled "United Nations Development Fund for Women". Subsequently, Guyana and Nigeria joined in sponsoring the draft resolution.

16. At its 40th meeting, the Committee adopted the draft resolution (see para. 20 below, draft resolution IV).

Draft resolution A/C.3/45/L.25

17. At the 31st meeting, the representative of Bolivia, on behalf of the Member States that are members of the Group of 77, introduced a draft resolution (A/C.3/45/L.25) entitled "Implementation of the Nairobi Forward-looking Strategies for the Advancement of Women".

18. At the 40th meeting, the representative of Bolivia, on behalf of the sponsors, orally revised the draft resolution as follows:

(*a*) At the end of paragraph 6, the words ", based on the goals of the United Nations Decade for Women: Equality, Development and Peace and the subtheme 'Employment, Health and Education', and urges all organizations of the United Nations system to co-operate effectively with the Commission in this task" were added;

(*b*) In paragraph 7, the word "themes" was replaced by the word "theme";

(*c*) In paragraph 18, the words "migrant women and refugee women" were replaced by the words "refugee women and children and migrant women".

19. At the same meeting, the Committee adopted the draft resolution as orally revised (see para. 20 below, draft resolution V).

Recommendation of the Third Committee

20. The Third Committee recommends to the General Assembly the adoption of draft resolutions I to V below:

Draft resolution I

IMPROVEMENT OF THE STATUS OF WOMEN IN THE SECRETARIAT

The General Assembly,

Recalling Articles 1, 8, 97 and 101 of the Charter of the United Nations,

Recalling also its resolution 2715 (XXV) of 15 December 1970, in which it first addressed the question of the employment of women in the Professional category, and all relevant resolutions that have continued to focus on this area since then,

Recalling further the report of the Secretary-General of 8 November 1985 on the improvement of the status of women in the Secretariat,[6] which was submitted pursuant to General Assembly resolution 39/245 of 18 December 1984,

Recalling the relevant paragraphs of the Nairobi Forward-looking Strategies for the Advancement of Women,[3] in particular paragraphs 315, 356 and 358 thereof,

Recalling also the recommendations for action contained in the fourth report, of 30 June 1988, of the Steering Committee for the Improvement of the Status of Women in the Secretariat,[7] and realizing that they have not all been implemented,

Noting that the Steering Committee has resumed its work and will soon be submitting a report with recommendations to the Secretary-General,

Noting also that the Office of Human Resources Management of the Secretariat has implemented some special emergency measures pursuant to fulfilling the mandate found in paragraph 27 of the report of the Secretary-General of 8 November 1985 and subsequent resolutions on this topic,

Noting with appreciation that the report of the Secretary-General of 1 October 1990 on the improvement of the status of women in the Secretariat (A/45/548) was submitted also under the item entitled "Forward-looking strategies for the advancement of women to the year 2000",

Noting with concern that, although there has been a slight increase in the percentage of women in the Secretariat, women still constitute less than 30 per cent of the Professional staff and that there has been a decrease in the number of women at the level of Assistant Secretary-General and above in the past twelve months,

Taking note of Economic and Social Council resolution 1990/3 of 24 May 1990,

1. *Urges* the Secretary-General to continue, in accordance with the Charter of the United Nations, all possible efforts to increase the number of women employed throughout the United Nations system, particularly in senior policy-level and decision-making posts, and particularly from the developing countries in view of the small proportion of women from these countries in such posts, in order to achieve an overall participation rate of 30 per cent by the end of 1990 and 35 per cent by 1995, with due regard to equitable geographical distribution, in accordance with the report of the Secretary-General of 8 November 1985,[6] all relevant subsequent resolutions and the proposed medium-term plan for the period 1992-1997 (see A/45/6);

2. *Requests* Member States to continue to support the efforts of the United Nations, the specialized agencies and the regional commissions to increase the percentage of women in the Professional category and above by, *inter alia*, nominating more women candidates, especially for senior policy-level and decision-making posts, by encouraging women to apply for vacant posts and by creating national rosters of women candidates to be shared with the Secretariat, the governing bodies of the specialized agencies and the regional commissions;

3. *Requests* the Secretary-General to continue to address the unfulfilled points of the action programme for the improvement of the status of women in the Secretariat,[8] which aims at the creation of a framework for the advancement of women as an integrated component of the United Nations policy-making process, and by so doing to fulfil the goal of the action programme to secure and maintain the attitudinal changes and the management commitment required for the full participation of women in the work of the Secretariat under conditions of equality;

4. *Also requests* the Secretary-General to include in his report to be submitted to the General Assembly and the Commission on the Status of Women an action programme for the advancement of women in the Secretariat for the period 1991-1995, further to the request made in paragraph 5 of its resolution 44/75 of 8 December 1989, which should

also include a comprehensive evaluation and analysis by the Secretariat of the main obstacles to the improvement of the status of women in the Secretariat and should propose solutions to overcome those obstacles;

5. *Further requests* the Secretary-General, within existing resources, to ensure that adequate machinery, with the authority of enforcement and the responsibility of accountability, and including a senior-level official devoted to implementation of the action programme, is maintained and, to the extent possible, strengthened during the course of the programme for the period 1991-1995;

6. *Requests* the Secretary-General to ensure that his annual report on progress achieved and future strategies to implement action programmes on the status of women in the Secretariat and the relevant mandates adopted by the General Assembly and the Economic and Social Council and the recommendations of the Steering Committee for the Improvement of the Status of Women in the Secretariat are submitted to the Commission on the Status of Women at its thirty-fifth session and to the General Assembly at its forty-sixth session for consideration under the item entitled "Forward-looking strategies for the advancement of women to the year 2000".

Draft resolution II

WOMEN AND LITERACY

The General Assembly,

Recalling that in the Universal Declaration of Human Rights[9] and the International Covenant on Economic, Social and Cultural Rights[10] the inalienable right of every individual to education is recognized,

Recalling also the special references to and recommendations on women's needs in relation to literacy, education and training contained in paragraphs 163 to 173 of the Nairobi Forward-looking Strategies for the Advancement of Women,[3]

Taking note of Commission on the Status of Women resolution 34/8 of 8 March 1990 on women and literacy,[1]

Taking note also of Economic and Social Council resolution 1990/15 of 24 May 1990, the annex to which contains the recommendations and conclusions arising from the first review and appraisal of the implementation of the Nairobi Forward-looking Strategies for the Advancement of Women, in which, *inter alia*, it is recommended that Governments should make special efforts to remove all gender-related differences in adult literacy by the year 2000 and that programmes should be established to ensure that parents and teachers provide equal educational opportunities for girls and boys,

Noting that in the Convention on the Elimination of All Forms of Discrimination against Women,[11] States parties, *inter alia*, committed themselves to taking measures to ensure equal access to education for women and men,

Recalling its resolutions 42/104 of 7 December 1987, by which it proclaimed 1990 as International Literacy Year, and 44/127 of 15 December 1989, in which it called for continuing international efforts to promote literacy,

Recalling also the World Declaration on Education for All adopted by the World Conference on Education for All,[12] in which it is recognized that literacy programmes are indispensable to the basic learning needs of all and that the most urgent priority is to ensure access to, and improve the quality of, education for girls and women, as well as to remove every obstacle that hampers their active participation,

Mindful of Economic and Social Council resolution 1990/12 of 24 May 1990, in which it recommended that a world conference on women be held in 1995,

Taking note of the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s (see A/45/625, annex), adopted by the World Summit for Children, held in New York on 29 and 30 September 1990, in which, *inter alia*, the adoption of measures was called for that emphasized the need to improve the current disparities between girls and boys in access to basic education and the need to reduce adult illiteracy by half, with an emphasis on female illiteracy, before the year 2000,

Mindful of the fact that the eradication of illiteracy, including illiteracy among women, is one of the paramount objectives of the International Development Strategy for the Fourth United Nations Development Decade,[13]

Recognizing that in many countries there is a significant gap between enrolment and retention levels of girls and boys in basic education programmes, just as there is a gap in literacy between adult men and women, which denies women of all ages the opportunity to participate fully in national development activities,

Bearing in mind that increased literacy levels have already been directly associated with reduced population growth in many parts of the world and that the promotion of women's literacy is an important element in ensuring the success of national objectives relating to population,

1. *Notes with appreciation* the commendable work done in connection with International Literacy Year by the specialized agencies and other organizations of the United Nations system, including the United Nations Educational, Scientific and Cultural Organization, with its Plan of Action for the Eradication of Illiteracy by the Year 2000, the United Nations Children's Fund and the United Nations Development Programme;

2. *Commends* those Governments that have launched national programmes aimed at meeting the objectives of the Year;

3. *Notes with satisfaction* the active involvement of many non-governmental organizations in the Year and, in particular, the establishment of the International Task Force on Literacy;

4. *Encourages* the Secretary-General and Member States, as well as intergovernmental and non-governmental organizations, to continue to support efforts to increase literacy by:

(*a*) Improving the educational opportunities for females of all ages, particularly children;

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[9] Resolution 217 A (III).

[10] See resolution 2200 A (XXI), annex.

[11] Resolution 34/180, annex.

[12] *Final Report of the World Conference on Education for All: Meeting Basic Learning Needs, Jomtien, Thailand, 5-9 March 1990*, Inter-Agency Commission (UNDP, UNESCO, UNICEF, World Bank) for the World Conference on Education for All, New York, 1990, appendix 1.

[13] See resolution 45/199, annex.

(*b*) Providing basic education to all without discrimination based on gender and in settings that are accessible and culturally acceptable;

(*c*) Encouraging the development of gender-specific indicators and measurements for assessing the impact of educational and training efforts in both domestic and international projects and programmes and for assessing the inclusion and participation of women of all ages in those efforts;

5. *Encourages* Member States to attempt to disaggregate by gender data in such areas as school enrolment, completion, participation and repetition rates;

6. *Urges* Member States to eliminate *de jure* and *de facto* barriers to schooling for women of all ages;

7. *Calls upon* Member States to give special attention and emphasis to the guidelines and recommendations developed for the Year when implementing measures to eliminate illiteracy;

8. *Encourages* the Secretary-General, in collaboration with relevant United Nations organizations, including the United Nations Educational, Scientific and Cultural Organization, the United Nations Children's Fund and the United Nations Development Programme, to assist Member States in strengthening strategies to target resources to women of all ages, especially those most disadvantaged, and thereby work towards the elimination of illiteracy of women of all ages;

9. *Calls upon* Member States to accelerate the participation of women in literacy programmes, particularly in areas pertaining to the improvement of their socio-economic condition, including legal literacy and income-generating and skill-building activities;

10. *Encourages* Member States to increase the number of tutors and trainers with the necessary qualifications, to maximize their efforts to reach women and to increase the participation of non-governmental and private volunteer organizations, particularly women's organizations, in the implementation and management of literacy programmes and in policy and programme development;

11. *Requests* the Secretary-General to prepare for the world conference on women to be held in 1995 a report on the progress to increase female literacy made by Governments, intergovernmental and non-governmental organizations and the specialized agencies, regional commissions and other organizations of the United Nations system;

12. *Requests* the Committee on the Elimination of Discrimination against Women to pay particular attention to measures taken by Governments to increase female literacy, particularly by ensuring equal access to basic education for girls and boys;

13. *Requests* the Secretary-General in his next update to the *World Survey on the Role of Women in Development*[14] to examine specifically the relationship between the literacy of women and their economic ad social advancement.

Draft resolution III

INTERREGIONAL CONSULTATION ON WOMEN IN PUBLIC LIFE

The General Assembly,

Recalling its resolution 44/77 of 8 December 1989, in which it endorsed the convening in 1991 of an interregional consultation on women in public life,

Concerned that the level of participation by women in decision-making in almost all countries is exceedingly low,

Stressing the importance of the full participation of women in the political process at all levels, especially in top decision-making, as a means of achieving the objectives set in the Nairobi Forward-looking Strategies for the Advancement of Women,[3]

Considering that the consultation would be an important event towards the preparations for the world conference on women to be held in 1995,

1. *Decides* that the consultation on women in public life should be an intergovernmental meeting;

2. *Urges* all Governments to participate actively in the consultation and for that purpose to designate as participants women who currently hold leadership positions in government and national institutions and organizations or are considered to have the potential for high public office;

3. *Invites* Governments and national institutions and organizations to provide extrabudgetary resources to facilitate preparations for the consultation, especially for the participation of least developed countries and for the dissemination of information about the consultation in the mass media;

4. *Requests* the Secretary-General to take steps to ensure the necessary servicing and support of the consultation and to transmit its conclusions in a report to the General Assembly at its forty-sixth session.

Draft resolution IV

UNITED NATIONS DEVELOPMENT FUND FOR WOMEN

The General Assembly,

Recalling its resolution 39/125 of 14 December 1984, in which it decided to establish the United Nations Development Fund for Women as a separate and identifiable entity in autonomous association with the United Nations Development Programme,

Reaffirming that the Fund has an important role in contributing to an increase in opportunities and options for women in developing countries,

Emphasizing the position of the Fund as a specialized resource base for development co-operation, serving as a bridge between the needs and aspirations of women and the resources, programmes and policies for their economic development,

Taking note of the section of the report of the Administrator of the United Nations Development Programme concerning the Consultative Committee on the United Nations Development Fund for Women (A/45/347, annex, sect. IV),

1. *Commends* the United Nations Development Fund for Women for its efforts to increase the visibility of women and to ensure that issues relating to women are on the agenda of the mainstream development efforts of Governments, United Nations agencies, non-governmental organizations and the private sector;

2. *Notes with satisfaction* the achievements of the Fund in giving its work a high profile and in increasing and broadening its financial resource base, with, *inter alia*, the support of the national committees for the Fund;

3. *Welcomes* the development of new strategies for the programme management of the Fund based on long-term and short-term priorities (*ibid*., sect. II);

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[14] See United Nations publication, Sales No. E.89.IV.2.

4. *Encourages* the Fund in its efforts to document and share its experiences in the context of increasing emphasis on the human development dimension in technical co-operation;

5. *Urges* Governments and public and private donors to continue to extend their support to the Fund through voluntary contributions and pledges to its programmes;

6. *Stresses* the importance of the work of the Consultative Committee on the United Nations Development Fund for Women in policy and programme matters relating to the activities of the Fund;

7. *Requests* the Secretary-General to explore the possibility of providing conference services in the relevant working languages to the Consultative Committee, bearing in mind the importance of its work;

8. *Also requests* the Secretary-General to transmit to the General Assembly at its forty-sixth session the report of the Administrator of the United Nations Development Programme on the activities of the Fund to be submitted in accordance with Assembly resolution 39/125.

Draft resolution V

IMPLEMENTATION OF THE NAIROBI FORWARD-LOOKING STRATEGIES FOR THE ADVANCEMENT OF WOMEN

The General Assembly,

Recalling all its relevant resolutions, in particular resolution 44/77 of 8 December 1989, in which, *inter alia*, it endorsed and reaffirmed the importance of the Nairobi Forward-looking Strategies for the Advancement of Women[3] for the period up to the year 2000 and set out measures for their immediate implementation and for the overall achievement of the interrelated goals and objectives of the United Nations Decade for Women: Equality, Development and Peace,

Taking into consideration the resolutions adopted by the Economic and Social Council on issues relating to women since its resolution 1987/18 of 26 May 1987,

Reaffirming its resolution 40/30 of 29 November 1985, in which it emphasized that the elderly must be considered an important and necessary element in the development process at all levels within a given society and that, consequently, elderly women should be considered contributors to as well as beneficiaries of development,

Reaffirming also its determination to encourage the full participation of women in economic, social, cultural, civil and political affairs and to promote development, co-operation and international peace,

Conscious of the important and constructive contribution to the improvement of the status of women made by the Commission on the Status of Women, the specialized agencies, the regional commissions and other organizations and bodies of the United Nations system and non-governmental organizations concerned,

Emphasizing once again the priority of the implementation, monitoring, review and appraisal of the Forward-looking Strategies,

Recognizing the advancement of women as one of the priorities of the Organization for the biennium 1990-1991,

Recalling that the Commission held in 1990 a session of extended duration to review and appraise progress in the implementation of the Forward-looking Strategies,

1. *Takes note* of the report of the Secretary-General (A/45/489);

2. *Also takes note* of the recommendations and conclusions arising from the first review and appraisal of the implementation of the Forward-looking Strategies, contained in the annex to Economic and Social Council resolution 1990/15 of 24 May 1990;

3. *Urges* Governments, international organizations and non-governmental organizations to implement the recommendations;

4. *Reaffirms* paragraph 2 of section I of the recommendations and conclusions, in which it is stated that the pace of implementation of the Forward-looking Strategies must be improved in the crucial last decade of the twentieth century since the cost to societies of failing to implement the Strategies would be high in terms of slowed economic and social development, misuse of human resources and reduced progress for society as a whole and, for that reason, immediate steps should be taken to remove the most serious obstacles to the implementation of the Strategies;

5. *Calls again upon* Member States to give priority to policies and programmes relating to the subtheme "Employment, health and education", in particular to literacy, for the empowerment of women, especially those in the rural areas, to meet their own needs through self-reliance and the mobilization of indigenous resources, as well as to issues relating to the role of women in economic and political decision-making, population, the environment and information;

6. *Reaffirms* the central role of the Commission on the Status of Women in matters related to the advancement of women, and calls upon it to continue promoting the implementation of the Forward-looking Strategies to the year 2000, based on the goals of the United Nations Decade for Women: Equality, Development and Peace and the subtheme "Employment, Health and Education", and urges all organizations of the United Nations system to co-operate effectively with the Commission in this task;

7. *Requests* the Commission, when considering the priority theme relating to development during its thirty-fifth and subsequent sessions, to ensure its early contribution to the work of the international meeting on population to be held in 1994 and to address the role of technologies in the development of developing countries;

8. *Endorses* Economic and Social Council resolution 1990/12 of 24 May 1990, in which the Council recommended that a world conference on women should be held in 1995 and requested that the Commission act as the preparatory body for the world conference;

9. *Takes note* of the invitation extended by the Government of Austria to host the world conference on women in 1995 at Vienna (see A/C.3/45/5);

10. *Requests* the Commission, as the preparatory body for the world conference, to decide on the venue of the conference, not later than 1992, bearing in mind that preference should be given to those regions that have not yet hosted a world conference on women;

11. *Also requests* the Commission, in deciding on the preparation of documentation for the conference, to pay attention to Economic and Social Council resolution 1990/9 of 24 May 1990 concerning the second report on the implementation of the Forward-looking Strategies;

12. *Further requests* the Commission to focus the agenda of the world conference in 1995 on the Forward-looking Strategies as well as on the recommendations and conclusions arising from the first review and appraisal of the implementation of the Strategies (E/CN.6/1990/5);

13. *Requests* the Commission to ask the Secretary-General to appoint not later than 1992 the Secretary-General of the conference;

14. *Requests* the relevant United Nations bodies to continue to provide action-oriented input when reporting to the Commission on the priority theme;

15. *Emphasizes*, in the framework of the Forward-looking Strategies, the importance of the total integration of women in the development process, bearing in mind the specific and urgent needs of the developing countries, and calls upon Member States to establish specific targets at each level in order to increase the participation of women in professional, management and decision-making positions in their countries;

16. *Also emphasizes* the need to give urgent attention to redressing socio-economic inequities at the national and international levels as a necessary step towards the full realization of the goals and objectives of the Forward-looking Strategies;

17. *Urges* that particular attention be given by the United Nations and Governments to the situation of disabled women and that Governments take steps to ensure the equalization of opportunities for these women in the economic, social and political fields;

18. *Also urges* the Commission, the relevant organizations of the United Nations and Governments to give particular attention to refugee women and children and migrant women, taking into account their contribution in the social, economic and political fields and the urgent need to avoid all kinds of discrimination against them;

19. *Endorses* the convening in 1991 of a high-level interregional consultation on women in public life, to be financed within existing resources and from voluntary and other contributions;

20. *Requests* the Secretary-General, in formulating the system-wide medium-term plan for the advancement of women for the period 1996-2001 and in integrating the Forward-looking Strategies into activities mandated by the General Assembly, to pay particular attention to the strengthening of national machineries for the advancement of women and to specific sectoral themes that cut across the three objectives, equality, development and peace, and include, in particular, literacy, education, health, population, the environment and the full participation of women in decision-making;

21. *Also requests* the Secretary-General to continue updating the *World Survey on the Role of Women in Development*,[14] bearing in mind its importance, placing particular emphasis on the adverse impact of the difficult economic situation affecting the majority of developing countries, in particular on the condition of women, and giving special attention to worsening conditions for the incorporation of women into the labour force as well as to the impact of reduced expenditures for social services on women's opportunities for education, health and child care, and to submit a preliminary version of the updated *World Survey on the Role of Women in Development* to the Economic and Social Council, through the Commission, in 1993 and a final version in 1994;

22. *Requests* Governments, when presenting candidatures for vacancies in the Secretariat, in particular at the decision-making level, to give priority to women's candidatures, and requests the Secretary-General in reviewing these candidatures to give special consideration to female candidates from underrepresented and unrepresented developing countries;

23. *Requests* the Secretary-General to invite Governments, organizations of the United Nations system, including the regional commissions and the specialized agencies, and intergovernmental and non-governmental organizations to report periodically to the Economic and Social Council, through the Commission, on activities undertaken at all levels to implement the Forward-looking Strategies;

24. *Also requests* the Secretary-General to continue to provide for the existing weekly radio programmes on women in the regular budget of the United Nations, making adequate provisions for broadcasts in different languages, and to develop the focal point for issues relating to women in the Department of Public Information of the Secretariat, which, in concert with the Centre for Social Development and Humanitarian Affairs of the Secretariat, should provide a more effective public information programme relating to the advancement of women;

25. *Further requests* the Secretary-General to include in his report on the implementation of the Forward-looking Strategies, to be submitted to the General Assembly at its forty-sixth session, an assessment of recent developments that are relevant to the priority themes to be considered at the subsequent session of the Commission and to transmit to the Commission a summary of relevant views expressed by delegations during the debate in the Assembly;

26. *Requests* the Secretary-General to report to the General Assembly at its forty-sixth session on measures taken to implement the present resolution;

27. *Decides* to consider these questions further at its forty-sixth session under the item entitled "Forward-looking strategies for the advancement of women to the year 2000".

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 68th plenary meeting, on 14 December 1990, the General Assembly took action on the draft resolutions submitted by the Third Committee in its reports on agenda items 101 and 102.

The draft resolution submitted in the report on agenda item 101 (A/45/757, para. 8) was adopted. For the final text, see resolution 45/124.[15]

Draft resolutions I to V submitted in the report on agenda item 102 (A/45/758, para. 20) were adopted. For the final texts, see resolutions 45/125 to 45/129.[15]

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[15] See *Official Records of the General Assembly, Forty-fifth Session, Supplement No. 49.*

LIST OF OTHER DOCUMENTS PERTAINING TO THE ITEMS

Symbol	*Title or description*	*Agenda item*	*Observations and references*
A/45/3 and Add.1 and 2	Report of the Economic and Social Council for the year 1990 (chap. V, sect. B)	101, 102	*Official Records of the General Assembly, Forty-fifth Session, Supplement No. 3*
A/45/6	Proposed medium-term plan for the period 1992-1997	102	*Ibid., Supplement No. 6*
A/45/38 and Corr.1	Report of the Committee on the Elimination of Discrimination against Women on its ninth session	101	*Ibid., Supplement No. 38* and corrigendum
A/45/202-S/21230	Letter dated 4 April 1990 from the representative of Israel to the Secretary-General	101	
A/45/222-S/21255	Letter dated 18 April 1990 from the representative of Israel to the Secretary-General	101	
A/45/225-S/21256	Letter dated 19 April 1990 from the representative of Israel to the Secretary-General	101	
A/45/230-S/21268	Letter dated 23 April 1990 from the representative of Israel to the Secretary-General	101	
A/45/254-S/21271	Letter dated 24 April 1990 from the representative of Israel to the Secretary-General	101	
A/45/264-S/21283	Letter dated 1 May 1990 from the representative of Israel to the Secretary-General	101	
A/45/265-S/21284	Letter dated 2 May 1990 from the representative of Israel to the Secretary-General	101	
A/45/269-S/21288	Letter dated 7 May 1990 from the representative of Israel to the Secretary-General	101	
A/45/270-S/21290	Letter dated 8 May 1990 from the representative of Israel to the Secretary-General	101	
A/45/280 and Corr.1	Letter dated 16 May 1990 from the representative of Iraq to the Secretary-General	101	
A/45/347	Note by the Secretary-General	102	
A/45/426	Report of the Secretary-General	101	
A/45/489	Implementation of the Nairobi Forward-looking Strategies for the Advancement of Women: report of the Secretary-General	102	
A/45/548	Improvement of the status of women in the Secretariat: report of the Secretary-General	102	
A/45/803	Letter dated 14 November 1990 from the representative of Trinidad and Tobago to the Secretary-General	102	
A/C.3/45/5	Letter dated 12 October 1990 from the representative of Austria to the Secretary-General	101, 102	
A/C.3/45/L.19	Draft resolution	102	See A/45/758, para. 5
A/C.3/45/L.19/Rev.1	Revised draft resolution	102	*Ibid.*
A/C.3/45/L.19/Rev.2	*Idem*	102	*Ibid.*, paras. 6 and 20, draft resolution I
A/C.3/45/L.20	Draft resolution	102	*Ibid.*, paras. 11 and 20, draft resolution II
A/C.3/45/L.21	*Idem*	102	*Ibid.*, paras. 13 and 20, draft resolution III
A/C.3/45/L.22	*Idem*	101	See A/45/757, paras. 5 and 8
A/C.3/45/L.24	*Idem*	102	See A/45/758, paras. 15 and 20, draft resolution IV
A/C.3/45/L.25	*Idem*	102	*Ibid.*, paras. 17, 18, and 20, draft resolution V

United Nations **Agenda item 107**

GENERAL ASSEMBLY

ANNEXES

FORTY-FIFTH SESSION

Official Records

NEW YORK, 1990/1991

Agenda item 107: Office of the United Nations High Commissioner for Refugees*

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* For the records of the relevant meetings, see *Official Records of the General Assembly, Forty-fifth Session, Third Committee*, 43rd to 47th, 49th and 55th meetings, and corrigendum; and *ibid., Plenary Meetings*, 68th meeting. For the prior consideration of the question, see *Official Records of the General Assembly, Forty-fourth Session, Annexes*, agenda item 110.

DOCUMENT A/45/763

Report of the Third Committee

[*Original: English*]
[*5 December 1990*]

1. At its 3rd plenary meeting, on 21 September 1990, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its forty-fifth session, as item 107, the item entitled "Office of the United Nations High Commissioner for Refugees", and to allocate it to the Third Committee for consideration and report.

2. The Third Committee considered the item at its 43rd to 47th, 49th and 55th meetings, held between 15 and 28 November 1990. An account of the Committee's discussion is contained in the summary records of the meetings (A/C.3/45/SR.43-47, 49 and 55).

3. For its consideration of the item, the Committee had before it the following documents:

[*See the list of documents at the end of the present fascicle.*]

4. At the 43rd meeting, the Officer-in-Charge of the Office of the United Nations High Commissioner for Refugees made an introductory statement.

Consideration of proposals

Draft resolution A/C.3/45/L.60

5. At the 49th meeting, the representative of Tunisia, on behalf of the Group of African States introduced a draft resolution (A/C.3/45/L.60) entitled "International Conference on the Plight of Refugees, Returnees and Displaced Persons in Southern Africa".

6. At its 55th meeting, the Committee adopted the draft resolution (see para. 18 below, draft resolution I).

7. After the draft resolution was adopted, the representatives of the United States of America and Italy (on behalf of the 12 States members of the European Community) made statements.

Draft resolution A/C.3/45/L.61

8. At the 49th meeting, the representative of the Philippines, on behalf of Australia, Austria, Brunei Darussalam, Canada, Chad, Ethiopia, Guatemala, Indonesia, Lesotho, Malaysia, Mauritania, New Zealand, Papua New Guinea, the Philippines, Singapore, Somalia, the Sudan, Thailand and the United Kingdom of Great Britain and Northern Ireland, introduced a draft resolution (A/C.3/45/L.61) entitled "Enlargement of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees". Subsequently, Yugoslavia joined in sponsoring the draft resolution.

9. At its 55th meeting, the Committee adopted the draft resolution (see para. 18 below, draft resolution II).

10. After the draft resolution was adopted, the representative of the United States of America made a statement.[1]

Draft resolution A/C.3/45/L.63

11. At the 49th meeting, the representative of Guinea, on behalf of Algeria, Benin, Bolivia, Chad, Congo, Côte d'Ivoire, Djibouti, Ecuador, Ethiopia, Ghana, Guatemala, Guinea, Guinea-Bissau, Guyana, Kenya, Lesotho, Liberia, Madagascar, Malawi, Mali, Morocco, Namibia, the Niger, Nigeria, Qatar, Senegal, Sierra Leone, Singapore, Somalia, the Sudan, Togo, Trinidad and Tobago, Tunisia, Uganda, the United Republic of Tanzania, Zaire, Zambia and Zimbabwe, introduced a draft resolution (A/C.3/45/L.63) entitled "Emergency humanitarian assistance to Liberian refugees and displaced persons". Subsequently, Costa Rica, Cuba, Egypt and France joined in sponsoring the draft resolution.

12. At its 55th meeting, the Committee adopted the draft resolution (see para. 18 below, draft resolution III).

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[1] The representative of the United States of America informed the Committee that his delegation had not participated in the action taken on the draft resolution.

Draft resolution A/C.3/45/L.64

13. At the 49th meeting, the representative of Sweden, on behalf of Australia, Austria, Belgium, Canada, Costa Rica, Cyprus, Czechoslovakia, Denmark, Djibouti, El Salvador, Ethiopia, Finland, France, Germany, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Honduras, Hungary, Iceland, Italy, Japan, Luxembourg, Malawi, the Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Pakistan, Portugal, Senegal, Somalia, Spain, the Sudan, Sweden, the United Kingdom of Great Britain and Northern Ireland, the United Republic of Tanzania, the United States of America and Zimbabwe, introduced a draft resolution (A/C.3/45/L.64) entitled "Office of the United Nations High Commissioner for Refugees". Subsequently, Argentina and the Philippines joined in sponsoring the draft resolution.

14. In introducing the draft resolution, the representative of Sweden orally revised it as follows:

(*a*) In the eighth preambular paragraph, after the words "new approaches that", the words "are commensurate with" were replaced by the word "meet";

(*b*) In the ninth preambular paragraph, the words "timely and", after the words "to provide", were deleted.

15. At its 55th meeting, the Committee adopted the draft resolution as orally revised (see para. 18 below, draft resolution IV).

Draft resolution A/C.3/45/L.65

16. At the 49th meeting, the representative of Guatemala, on behalf of Argentina, Belize, Bolivia, Brazil, Chile, Colombia, Costa Rica, the Dominican Republic, Ecuador, El Salvador, Finland, Guatemala, Haiti, Honduras, Italy, Mexico, Morocco, Nicaragua, Norway, Paraguay, Peru, the Philippines, Spain, Sweden, Uruguay and Venezuela, introduced a draft resolution (A/C.3/45/L.65) entitled "International Conference on Central American Refugees".

17. At its 55th meeting, the Committee adopted the draft resolution (see para. 18 below, draft resolution V).

Recommendation of the Third Committee

18. The Third Committee recommends to the General Assembly the adoption of draft resolutions I to V below:

Draft resolution I

INTERNATIONAL CONFERENCE ON THE PLIGHT OF REFUGEES, RETURNEES AND DISPLACED PERSONS IN SOUTHERN AFRICA

The General Assembly,

Recalling its resolution 44/136 of 15 December 1989,

Gravely concerned about the continuous deterioration of the situation in southern Africa arising from the domination and oppression of the people of South Africa by the minority racist régime of South Africa,

Having examined the report of the Secretary-General (A/45/480),

Conscious of its responsibility to provide economic, material and humanitarian assistance to independent States in southern Africa in order to assist them in coping with the situation resulting from the acts of aggression and destabilization committed by the *apartheid* régime of South Africa,

Noting with appreciation the consultations undertaken by the Secretary-General to establish within the United Nations system a mechanism to ensure the implementation and overall co-ordination of relief programmes for internally displaced persons,

Convinced of the necessity to strengthen the capacity of the identified focal points within the United Nations system for the implementation and the overall co-ordination of relief programmes for internally displaced persons,

Noting with indignation that South Africa's policy of *apartheid* and its direct and indirect acts of aggression, intimidation and destabilization through armed terrorists continue to be the main causes of refugee flows and increasing displacement of persons in southern Africa,

Convinced also that there is an urgent need for the international community to extend maximum and concerted assistance to southern African countries sheltering refugees, returnees and displaced persons and also to highlight the plight of these persons,

1. *Takes note with satisfaction* of the report of the Secretary-General;

2. *Reaffirms* the need to continue the implementation of the Oslo Declaration and Plan of Action on the Plight of Refugees, Returnees and Displaced Persons in Southern Africa[2] adopted by the International Conference on the Plight of Refugees, Returnees and Displaced Persons in Southern Africa, held at Oslo from 22 to 24 August 1988;

3. *Expresses its gratitude* to the countries and organizations that have given assistance to the countries of southern Africa to enable them to cope with the situation of refugees, returnees and displaced persons in their territories;

4. *Calls upon* the international community to provide increased assistance to the countries of southern Africa to enable them to strengthen their capacity to provide the necessary facilities and services for the care and well-being of the refugees, returnees and displaced persons in their territories;

5. *Reiterates its appreciation* to the Secretary-General for his efforts, on behalf of the international community, to organize and mobilize special programmes of economic assistance for the front-line and other neighbouring States to help them to withstand the effects of the acts of aggression and destabilization committed by the *apartheid* régime of South Africa;

6. *Notes with appreciation* the efforts made by the Secretary-General, the Office of the United Nations High Commissioner for Refugees and the Administrator of the United Nations Development Programme to implement the specific tasks and responsibilities assigned to them in the Oslo Declaration and Plan of Action, and encourages them to continue their efforts;

7. *Endorses* the recommendation of the Secretary-General aimed at assigning to the United Nations resident co-ordinators the function of co-ordinating assistance for internally displaced persons, in close co-operation with Governments, local representatives of donor countries and United Nations agencies in the field;

8. *Requests* the Secretary-General to strengthen the capacity of the identified focal points at the field level to enable them to respond more effectively to government requests for assistance to refugees and displaced persons;

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[2] A/43/717 and Corr.1 and Add.1.

9. *Once again urges* all Member States, organizations of the United Nations system and governmental and non-governmental organizations to undertake the measures required of them under the Oslo Declaration and Plan of Action;

10. *Decides* to consider this question at its forty-sixth session on the basis of a report to be submitted by the Secretary-General.

Draft resolution II

ENLARGEMENT OF THE EXECUTIVE COMMITTEE OF THE PROGRAMME OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES

The General Assembly,

Taking note of Economic and Social Council resolution 1990/55 of 24 July 1990 on the enlargement of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees,

Taking note also of the note verbale dated 17 May 1990 from the Permanent Representative of the Philippines to the United Nations addressed to the Secretary-General (E/1990/89) regarding the enlargement of the Executive Committee of the Programme of the High Commissioner,

1. *Decides* to increase the membership of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees from forty-three to forty-four;

2. *Requests* the Economic and Social Council to elect the one additional member at its first regular session of 1991.

Draft resolution III

EMERGENCY HUMANITARIAN ASSISTANCE TO LIBERIAN REFUGEES AND DISPLACED PERSONS

The General Assembly,

Bearing in mind the civil strife that has in the past year ravaged the West African State of Liberia, decimated its population and forced thousands of Liberians to become refugees abroad or displaced persons within their own homeland,

Having considered the report of the United Nations High Commissioner for Refugees (A/45/12), in which he asserts that developments in the West African subregion necessitate new emergency operations,

Deeply concerned about the mass exodus of innocent victims of the Liberian civil strife into neighbouring West African countries and the enormous burden that this movement has placed on the infrastructure and already insufficient resources of the West African countries concerned,

Aware that the majority of the refugees and displaced persons are women and children, who are particularly vulnerable to the hardship imposed on them by the unfortunate circumstances,

Noting the determined and sustained efforts being made by the Governments of the West African countries hardest hit by the crisis to cater to and restore faith and hope among the Liberian refugees in their countries,

1. *Expresses its appreciation* to the Secretary-General for having taken steps to encourage continued and concerted international action in favour of Liberian refugees and displaced persons;

2. *Acknowledges, with grateful appreciation,* the emergency humanitarian assistance provided by the United Nations High Commissioner for Refugees and the governmental and intergovernmental agencies to the thousands of Liberian refugees and displaced persons in the West African subregion;

3. *Appeals* to the organizations of the United Nations system, Member States and international and voluntary organizations, including non-governmental organizations in consultative status with the Economic and Social Council, to intensify urgent humanitarian and other assistance for the relief and rehabilitation of the victims of the Liberian civil strife taking refuge in neighbouring West African countries;

4. *Also appeals* to the organizations of the United Nations system, governmental and intergovernmental bodies, as well as non-governmental organizations, to provide the necessary material and financial assistance for the return and resettlement of the victims of the Liberian civil war;

5. *Requests* the High Commissioner to continue his efforts to mobilize additional resources necessary for the rehabilitation of Liberian refugees and displaced persons and to find a durable solution to the problem of Liberian refugees;

6. *Requests* the Secretary-General, in co-operation with the Office of the United Nations High Commissioner for Refugees, to report on the implementation of the present resolution to the General Assembly at its forty-sixth session.

Draft resolution IV

OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES

A

The General Assembly,

Having considered the report of the United Nations High Commissioner for Refugees on the activities of his Office (*ibid.*), as well as the report of the Executive Committee of the Programme of the High Commissioner on the work of its forty-first session (A/45/12/Add.1), noting the statement made by the Officer-in-Charge of the Office of the High Commissioner on 15 November 1990 (see A/C.3/45/SR.43), and having considered the report of the Secretary-General on the International Conference on Indo-Chinese Refugees (A/45/449),

Recalling its resolutions 44/137 and 44/138 of 15 December 1989,

Reaffirming the purely humanitarian and non-political character of the activities of the Office of the High Commissioner, as well as the fundamental importance of the High Commissioner's international protection function and the need for States to co-operate with the High Commissioner in the exercise of this primary and essential responsibility,

Noting with satisfaction that one hundred and seven States are now parties to the 1951 Convention[3] and/or the 1967 Protocol[4] relating to the Status of Refugees,

Welcoming the valuable support extended by Governments to the Office of the High Commissioner in carrying out its humanitarian tasks,

Noting with concern that refugee protection continues to be seriously jeopardized in many States, including through expulsion, *refoulement* and other threats to the physical security, dignity and well-being of refugees,

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[3] United Nations, *Treaty Series*, vol. 189, No. 2545.

[4] *Ibid.*, vol. 606, No. 8791.

Commending the Office of the High Commissioner for its efforts to continue to address the special problems and needs of refugee and displaced women and children, who in many cases are exposed to a variety of difficult situations affecting their physical and legal protection as well as their psychological and material well-being,

Emphasizing the need for States to assist, on as wide a basis as possible, the efforts of the Office of the High Commissioner in its search for durable and timely solutions to the problems of refugees based on new approaches that meet the current size and characteristics of these problems and are built on respect for fundamental human rights and basic internationally agreed protection principles and concerns,

Aware of the need for the international community to continue to provide adequate resettlement opportunities for those refugees for whom no other durable solution is in sight,

Commending those States which, despite severe economic and development problems of their own, continue to admit large numbers of refugees and displaced persons of concern to the Office of the High Commissioner into their territories, and emphasizing the need to share the burden of these States to the maximum extent possible through international assistance, including development-oriented assistance,

Aware also that the application of the principle of international solidarity implies an improved sharing of responsibilities and arrangements between relevant agencies of the United Nations system and other concerned governmental and non-governmental organizations for the financing and implementation of related activities and that such activities need also include specific development assistance to avert new flows of refugees as well as to solve problems of refugees and returnees and areas hosting them,

Commending the Office of the High Commissioner and its staff for the dedicated manner in which they discharge their responsibilities, and paying tribute to those staff members who have endangered their lives in the course of their duties,

1. *Strongly reaffirms* the fundamental nature of the function of the Office of the United Nations High Commissioner for Refugees to provide international protection and the need for States to co-operate fully with the Office in fulfilling this function, in particular by acceding to and fully and effectively implementing the relevant international and regional refugee instruments;

2. *Recognizes* the urgent need to put all issues related to refugees, asylum-seekers and other migratory flows firmly on the international political agenda, especially in view of the fortieth anniversary of the Office of the High Commissioner and the 1951 Convention relating to the Status of Refugees, and in this connection welcomes initiatives to promote further awareness of and support for the Office, including accessions to this instrument;

3. *Calls upon* all States to refrain from taking measures that jeopardize the institution of asylum, in particular returning or expelling refugees and asylum-seekers contrary to fundamental prohibitions against these practices, and urges States to ensure proper determination procedures and to continue to give humane treatment and to grant asylum to refugees;

4. *Condemns* violations of the rights and safety of refugees and asylum-seekers, in particular those perpetrated by military or armed attacks on refugee camps and settlements, forced recruitment into armed forces and other forms of violence, and reiterates the conclusions on military and armed attacks on refugee camps and settlements adopted by the Executive Committee of the Programme of the United Nations High Commissioner for Refugees at its thirty-eighth session;[5]

5. *Calls upon* States to give high priority to the rights of refugee children and to their survival, protection and development as reflected in the Convention on the Rights of the Child[6] and in the World Declaration on the Survival, Protection and Development of Children and the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s (A/45/625, annex), adopted by the World Summit for Children in New York on 30 September 1990;

6. *Endorses* the High Commissioner's policy on refugee women, which provides for the integration of refugee women into all the programmes of the Office of the High Commissioner, as well as the conclusion on refugee women and international protection adopted by the Executive Committee of the Programme of the High Commissioner at its forty-first session (A/45/12/Add.1, para. 23);

7. *Urges* States, relevant agencies of the United Nations system and other international intergovernmental and non-governmental organizations to support the implementation of the policy on refugee women through their own efforts;

8. *Recognizes* the importance of attaining durable solutions to refugee problems and, in particular, the need to address in this process the root causes of refugee movements in order to avert new flows of refugees and to facilitate the solution of existing problems;

9. *Underlines* the concept of State responsibility particularly as it relates to the countries of origin, including addressing root causes and facilitating voluntary repatriation and the return of their nationals who are not refugees;

10. *Urges* all States to support the Office of the High Commissioner in its efforts to search for durable solutions to the problem of refugees and displaced persons of concern to the Office, primarily through voluntary repatriation or return, which remain the most desirable solution to the problem of refugees, or, wherever appropriate, through integration into countries of asylum or through resettlement in third countries;

11. *Welcomes* the decision of the Executive Committee of the Programme of the High Commissioner at its extraordinary session in May 1990 to adopt the report of the Temporary Working Group[7] established by the Executive Committee at its fortieth session, and calls upon all parties concerned to continue to implement the recommendations contained in that report;

12. *Endorses* the decisions on administrative and financial matters adopted by the Executive Committee of the Programme of the High Commissioner at its forty-first session (*ibid.*, para. 29), and notes with satisfaction the efforts under way to find an appropriate mechanism that will address the need of the High Commissioner to have a higher

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[5] *Official Records of the General Assembly, Forty-second Session, Supplement No. 12A* (A/42/12/Add.1), para. 206.

[6] Resolution 44/25, annex.

[7] A/AC.96/742.

degree of flexibility to ensure funding of ongoing needs under approved general programmes and of initial emergency needs under special programmes pending the receipt of contributions pledged;

13. *Calls upon* the High Commissioner to sustain his efforts in assuring greater inter-agency co-operation in responding to the needs of refugees and, in particular, in seeking to complement the humanitarian endeavours of the Office of the High Commissioner with development initiatives from specialized agencies so as to attain, in an effective and efficient manner, further and more concrete results towards achieving durable solutions, and calls upon the member Governments to support these efforts in the governing bodies of these agencies;

14. *Welcomes* Economic and Social Council resolution 1990/78 of 27 July 1990, in which, *inter alia*, the Council requested the Secretary-General, within existing resources, to initiate, with a view to recommending ways of maximizing co-operation and co-ordination among the various organizations of the United Nations system, a system-wide review to assess the experience and capacity of these organizations in the co-ordination of assistance to all refugees, displaced persons and returnees, and the full spectrum of their needs, in supporting the efforts of the affected countries, and to report on the results to the Economic and Social Council at its second regular session of 1991;

15. *Endorses* the conclusion on the note on international protection adopted by the Executive Committee of the Programme of the High Commissioner at its forty-first session (*ibid*., para. 21), in which, in particular, the Executive Committee recognized the importance of human rights and humanitarian principles and recognized that the current size and characteristics of the refugee and asylum problem necessitate appropriate reassessment of international responses to the problem to date, with a view to developing comprehensive approaches to meet present realities, and at the same time noted the difference between refugees and persons seeking to migrate for economic and related reasons;

16. *Also endorses*, with these objectives in mind, the conclusion on solutions and protection adopted by the Executive Committee of the Programme of the High Commissioner at its forty-first session (*ibid*., para. 22), in which the Executive Committee noted the establishment of the Working Group on Solutions and Protection, which will present a report to the Executive Committee at its forty-second session;

17. *Further endorses* the conclusions of the Executive Committee of the Programme of the High Commissioner at its forty-first session on the implementation of the Comprehensive Plan of Action for Indo-Chinese Refugees (*ibid*., para. 25) and on repatriation to Cambodia (*ibid*., para. 26), welcomes the decision of the Secretary-General to designate the High Commissioner as his Special Representative to co-ordinate efforts with all parties concerned to promote the phased and orderly return of non-refugees in a manner that is fully compatible with the humanitarian mandate of his Office and under conditions of safety and dignity, and requests the Secretary-General to continue to monitor closely the progress towards the implementation of these conclusions and to report to the General Assembly at its forty-sixth session;

18. *Endorses* the conclusions on the International Conference on Central American Refugees (*ibid*., para. 27) and on the situation of refugees in Africa (*ibid*., para. 28), adopted by the Executive Committee of the Programme of the High Commissioner at its forty-first session, and calls upon the Office of the High Commissioner and all other parties concerned to continue their efforts in implementing these conclusions;

19. *Expresses deep appreciation* for the valuable material and humanitarian response of receiving countries, in particular those developing countries which, despite limited resources, continue to admit large numbers of refugees and asylum-seekers on a permanent or temporary basis;

20. *Urges* the international community, including non-governmental organizations, in accordance with the principle of international solidarity and in the spirit of burden-sharing, to continue to assist the countries referred to in paragraph 19 above and the High Commissioner in order to enable them to cope with the additional burden that the care for refugees and asylum-seekers represents;

21. *Calls upon* all Governments to contribute to the High Commissioner's programmes and, taking into account the need to achieve greater burden-sharing among donors, to assist the High Commissioner in securing additional and timely income from traditional governmental sources, other Governments and the private sector in order to ensure that the needs of refugees, returnees and displaced persons of concern to the Office of the High Commissioner are met.

B

The General Assembly,

Recalling its resolutions 1166 (XII) of 26 November 1957, 2956 B (XXVII) of 12 December 1972, 3271 B (XXIX) of 10 December 1974 and 35/41 B of 25 November 1980 in connection with the Emergency Fund of the United Nations High Commissioner for Refugees;

Noting with appreciation the work of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees in relation to the funding and administration of programmes and projects, including those aimed at responding to emergency situations,

Authorizes the Executive Committee of the Programme of the United Nations High Commissioner for Refugees to determine in future the terms and conditions for the operation of the Emergency Fund of the United Nations High Commissioner for Refugees.

Draft resolution V

INTERNATIONAL CONFERENCE ON CENTRAL AMERICAN REFUGEES

The General Assembly,

Recalling its resolutions 42/1 of 7 October 1987, 42/110 of 7 December 1987, 42/204 of 11 December 1987, 42/231 of 12 May 1988, 43/118 of 8 December 1988 and 44/139 of 15 December 1989,

Recalling also that the International Conference on Central American Refugees is related to the initiative of the Central American Presidents expressed in the procedures for the establishment of a firm and lasting peace in Central America concluded at the Esquipulas II summit meeting in August 1987,[8] as indicated in the San Salvador communiqué on the Central American refugees, of 9 September 1988,[9]

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[8] *Official Records of the Security Council, Forty-second Year, Supplement for July, August and September 1987*, document S/19085.

[9] A/C.3/43/6, annex.

Recognizing the importance and validity of the Declaration of the International Conference on Central American Refugees,[10] held at Guatemala City from 29 to 31 May 1989, and especially of the framework contained in the Concerted Plan of Action in favour of Central American Refugees, Returnees and Displaced Persons, adopted by the Conference,[10]

Noting the establishment of the national and international follow-up mechanisms contemplated in the Concerted Plan of Action,

Taking into account that the Conference has become an integral part of the Special Plan of Economic Co-operation for Central America,[11] as referred to in General Assembly resolution 42/231, thus responding to the needs of refugees, returnees and displaced persons,

Recalling the important declarations of support for the Conference process and its objectives contained in the communiqués issued by the Central American Presidents following the summit meetings at Tela, Honduras, on 7 August 1989, Montelimar, Nicaragua, on 3 April 1990, and Antigua, Guatemala, on 17 June 1990; in General Assembly resolution 44/139 and in resolution 1021 (XIX-0/89) of the General Assembly of the Organization of American States; in the conclusion adopted by the Executive Committee of the Programme of the United Nations High Commissioner for Refugees on the Guatemala Declaration and the Concerted Plan of Action;[12] and, lastly, in the communiqué of the meeting between the Ministers for Foreign Affairs of the countries of the European Community and of Central America,[13] held at Dublin on 9 and 10 April 1990,

Noting the generous support provided by the countries participating in the First International Meeting of the Follow-Up Committee of the International Conference for the proposals presented at the Meeting by the Central American countries, Belize and Mexico,

Convinced that peace, development and democracy are essential in order to solve the problem of uprooted populations in the region,

Recognizing the valuable co-operation of the Secretary-General, the Office of the United Nations High Commissioner for Refugees and the United Nations Development Programme with the affected countries through the Joint Support Unit of the Conference to ensure the follow-up of the Concerted Plan of Action and the proper implementation of the objectives and proposals contained therein,

Noting with satisfaction the progress made in the region through dialogue and national reconciliation, which contribute to the consolidation of peace and the strengthening of democratic processes,

1. *Takes note* of the report of the Secretary-General (A/45/450) and the report of the United Nations High Commissioner for Refugees relating to the International Conference on Central American Refugees (see A/45/12 and A/45/12/Add.1, para. 27);

2. *Welcomes with satisfaction* the meetings held by the Follow-Up Committee established by the Conference as the mechanism provided in the Concerted Plan of Action in favour of Central American Refugees, Returnees and Displaced Persons, and encourages further meetings with a view to the effective follow-up of activities related to the implementation of plans and projects in favour of displaced persons of the Central American region;

3. *Recognizes* the efforts made by the affected countries to establish conditions conducive to resolving the problem of uprooted populations in the region;

4. *Urges* the affected countries, according to their capacities, to strengthen their efforts to deal with the problem of refugees, returnees and displaced persons and to adapt the solutions to national and regional development plans and programmes and to action aimed, specifically, at eradicating extreme poverty;

5. *Agrees* on the need for projects in favour of refugees, returnees and displaced persons to promote, *inter alia:*

(*a*) The participation of women;

(*b*) The physical and intellectual development of children;

(*c*) The preservation of ethnic and cultural values;

(*d*) The protection of the environment;

6. *Reaffirms its conviction* that the voluntary repatriation of refugees and the return of displaced persons to their countries or communities of origin is one of the most positive signs of the progress of peace in the region;

7. *Expresses its conviction* that the process of return to and reintegration in the countries and communities of origin should take place in conditions of dignity and security and with the necessary guarantees to ensure that the affected populations are included in the respective national development plans;

8. *Reaffirms* the validity of the Concerted Plan of Action as a framework for solving the problems posed in the affected countries by the massive presence of uprooted populations of the Central American region, while recognizing that it constitutes only an initial response to the many problems to which uprootedness gives rise;

9. *Expresses its appreciation* for the resources committed to finance the proposals submitted by the Governments of Central America, Belize and Mexico at the First International Meeting of the Follow-Up Committee, and welcomes with satisfaction the willingness expressed by the Follow-Up Committee to give favourable consideration to future projects submitted by the affected countries within the Conference framework and to explore all possible sources for funding them;

10. *Stresses* in particular the need to support the Office of the United Nations High Commissioner for Refugees and the United Nations Development Programme in the discharge of the special function assigned to them by the Secretary-General within the framework of the International Support and Verification Commission in order to provide them with the resources required for assistance for and voluntary repatriation and reintegration of members of the Nicaraguan resistance and their families, as well as of the Nicaraguan refugees being repatriated voluntarily;

11. *Urges* Member States and organs, specialized agencies and other organizations of the United Nations system, as well as regional and subregional organizations and intergovernmental and non-governmental organizations involved in humanitarian tasks in favour of the Central American

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[10] See A/44/527 and Corr.1 and 2, annex.

[11] A/42/949, annex.

[12] *Official Records of the General Assembly, Forty-fourth Session, Supplement No. 12A* (A/44/12/Add.1), para. 28.

[13] A/44/944-S/21282, annex II.

refugees, returnees and displaced persons, to continue and increase their assistance to and support for the responsible authorities of the affected countries in the implementation and follow-up of the guidelines, goals and objectives of the Concerted Plan of Action, and expresses its gratitude to all the national and international organizations engaged in assistance to the uprooted populations and in the development of the region;

12. *Requests* the Secretary-General, the Office of the High Commissioner and the United Nations Development Programme to continue their support for the affected countries in the implementation of the Concerted Plan of Action, especially through the activities of the Joint Support Unit of the Conference;

13. *Urges* the responsible authorities to continue and strengthen measures to ensure the efficient implementation of the proposed programmes;

14. *Stresses* the importance of strengthening and developing the follow-up and promotion mechanisms established under the Concerted Plan of Action, in particular the support groups, in order to ensure co-ordination and co-operation between all the parties involved, and calls upon the Governments of the region to take the necessary measures to facilitate this process;

15. *Recognizes* the importance of the role played by non-governmental organizations, as well as by the affected populations, in identifying their needs and participating in the planning and execution of projects in co-ordination with national committees and in accordance with the Concerted Plan of Action, and urges them to continue in this humanitarian and non-political endeavour;

16. *Requests* the Secretary-General, in collaboration with the High Commissioner, to submit to the General Assembly at its forty-sixth session a report on the implementation of the present resolution.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 68th plenary meeting, on 14 December 1990, the General Assembly adopted draft resolutions I to V submitted by the Third Committee in its report (A/45/763, para. 18). For the final texts, see resolutions 45/137 to 45/141.[14]

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[14] See *Official Records of the General Assembly, Forty-fifth Session, Supplement No. 49.*

LIST OF OTHER DOCUMENTS PERTAINING TO THE ITEM

Symbol	*Title or description*	*Observations and references*
A/45/3 and Add.1 and 2	Report of the Economic and Social Council for the year 1990 (chap. III, sect. E)	See *Official Records of the General Assembly, Forty-fifth Session, Supplement No. 3*
A/45/12	Report of the United Nations High Commissioner for Refugees	*Ibid., Supplement No. 12*
A/45/12/Add.1	Addendum to the report of the United Nations High Commissioner for Refugees	*Ibid., Supplement No. 12A*
A/45/378	Letter dated 2 August 1990 from the representative of Afghanistan to the Secretary-General	
A/45/389-S/21455	Letter dated 1 August 1990 from the representative of Malaysia to the Secretary-General transmitting the text of the joint communiqué of the twenty-third Ministerial Meeting of the Association of South-East Asian Nations, held at Jakarta on 24 and 25 July 1990	
A/45/449	International Conference on Indo-Chinese Refugees: report of the Secretary-General	
A/45/450	International Conference on Central American Refugees: report of the Secretary-General	
A/45/480	International Conference on the Plight of Refugees, Returnees and Displaced Persons in Southern Africa: report of the Secretary-General	
A/45/649 and Corr.1 and Add.1	The co-ordination of activities related to early warning of possible refugee flows: note by the Secretary-General	
A/C.3/45/L.60	Draft resolution	See A/45/763, paras. 5 and 18, draft resolution I
A/C.3/45/L.61	*Idem*	*Ibid.*, paras. 8 and 18, draft resolution II
A/C.3/45/L.63	*Idem*	*Ibid.*, paras. 11 and 18, draft resolution III
A/C.3/45/L.64	*Idem*	*Ibid.*, paras. 13, 14 and 18, draft resolution IV
A/C.3/45/L.65	*Idem*	*Ibid.*, paras. 16 and 18, draft resolution V
E/1990/89	Note verbale dated 17 May 1990 from the representative of the Philippines to the Secretary-General	

United Nations

GENERAL ASSEMBLY

Official Records

Agenda item 108

ANNEXES

FORTY-FIFTH SESSION

NEW YORK, 1990/1991

Agenda item 108: International action to combat drug abuse and illicit trafficking*

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DOCUMENT A/45/764

Report of the Third Committee

[*Original: English*]
[*11 December 1990*]

1. At its 3rd plenary meeting, on 21 September 1990, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its forty-fifth session, as item 108, the item entitled "International action to combat drug abuse and illicit trafficking", and to allocate it to the Third Committee for consideration and report.

2. The Third Committee considered the item at its 28th to 34th, 43rd, 57th, 59th, 60th and 62nd meetings, held between 1 November and 4 December 1990. An account of the Committee's discussion is contained in the summary records of the meetings (A/C.3/45/SR.28-34, 43, 57, 59, 60 and 62).

3. For its consideration of the item, the Committee had before it the following documents:

[*See the list of documents at the end of the present fascicle.*]

4. At the 28th meeting, the Director-General of the United Nations Office at Vienna and Co-ordinator of all United Nations Drug Control-Related Activities, made an introductory statement. The Executive Director of the United Nations Fund for Drug Abuse Control, the Director of the Division of Narcotic Drugs and the President of the International Narcotics Control Board of the Secretariat also made statements.

Consideration of proposals

Draft resolution A/C.3/45/L.38

5. At the 43rd meeting, the representative of Venezuela introduced a draft resolution (A/C.3/45/L.38) entitled "Economic and social consequences of illicit traffic in drugs", sponsored by Bolivia, Colombia, Cuba, Ecuador, Egypt, El Salvador, Guatemala, Malaysia, Mexico, Morocco, the Netherlands, Nicaragua, Pakistan, Paraguay, Peru, Suriname, Uruguay and Venezuela, which read as follows:

"*The General Assembly*,

"*Recalling* its resolution 44/142 of 15 December 1989, in which the Secretary-General was requested to undertake as soon as possible, with the assistance of a group of intergovernmental experts, a study on the economic and social consequences of illicit traffic in drugs,

"*Taking note with interest* of the report of the Secretary-General (A/45/535), and in particular the recommendations of the Intergovernmental Expert Group to Study the Economic and Social Consequences of Illicit Traffic in Drugs (see A/C.3/45/8, annex),

"*Keeping in mind* the observation made by the Intergovernmental Expert Group that it is important for the United Nations to develop an integrated and unified information system facilitating creditable data and information on the chain of illicit traffic in drugs, mainly on illicit production, elaboration, processing and consumption,

"*Keeping in mind also* that the Intergovernmental Expert Group convened under resolution 44/142 proposed a framework for a future in-depth study on the economic and social consequences of illicit traffic in drugs (*ibid.*), for which reason the issue must be duly followed up,

"*Keeping in mind further* that the Secretary-General has taken note of the recommendations addressed to him by the Intergovernmental Expert Group, which will be considered in the context of the proposed programme of drug-control activities for the biennium 1992-1993,

"1. *Takes note with interest* of the recommendations of the Intergovernmental Expert Group to Study the Economic and Social Consequences of Illicit Traffic in Drugs;

"2. *Requests* the Secretary-General to issue the report of the Intergovernmental Expert Group as a document of the forty-fifth session of the General Assembly (*ibid.*);

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* For the records of the relevant meetings, see *Official Records of the General Assembly, Forty-fifth Session, Third Committee*, 28th to 34th, 43rd, 57th, 59th, 60th and 62nd meetings, and corrigendum; *ibid., Fifth Committee*, 46th and 50th meetings, and corrigendum; and *ibid., Plenary Meetings*, 69th and 71st meetings. For the prior consideration of the question, see *Official Records of the General Assembly, Forty-fourth Session, Annexes*, agenda item 111.

"3. *Invites* the Commission on Narcotic Drugs to make observations on the recommendations of the Intergovernmental Expert Group, in particular on the proposed framework for a future in-depth study on the economic and social consequences of illicit traffic in drugs, and to report thereon to the General Assembly at its forty-sixth session through the Economic and Social Council;

"4. *Invites* the Secretary-General to report to the General Assembly at its forty-sixth session on the measures to be adopted to implement, in a timely manner, the recommendations addressed to him by the Intergovernmental Expert Group;

"5. *Requests* the Secretary-General to report to the General Assembly at its forty-sixth session on the implementation of the present resolution."

6. At the same meeting, the representative of Venezuela orally revised the draft resolution by adding at the end of paragraph 4 ", as well as on the recommendations of the Commission on Narcotic Drugs".

7. At the 59th meeting, the representative of Bolivia introduced a revised draft resolution (A/C.3/45/L.43/Rev.1) entitled "International action to combat drug abuse and illicit trafficking" and indicated that the draft resolution was the result of informal consultations held on draft resolutions A/C.3/45/L.38 and A/C.3/45/L.43.

Draft resolution A/C.3/45/L.39 and Rev.1

8. At the 43rd meeting, the representative of Venezuela introduced a draft resolution (A/C.3/45/L.39) entitled "Implementation of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances", sponsored by Argentina, Australia, the Bahamas, Bangladesh, Barbados, Belgium, Bolivia, Brazil, Canada, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Denmark, the Dominican Republic, Ecuador, Egypt, El Salvador, Finland, France, Germany, Ghana, Greece, Guatemala, Haiti, Honduras, Hungary, India, Indonesia, Ireland, Italy, Jamaica, Luxembourg, Madagascar, Malaysia, Mexico, Morocco, the Netherlands, Nicaragua, Norway, Pakistan, Panama, Paraguay, Peru, the Philippines, Poland, Portugal, Senegal, Spain, Suriname, Sweden, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Uruguay, Vanuatu, Venezuela, Yugoslavia and Zambia. The draft resolution read as follows:

"*The General Assembly*,

[*Same text as draft resolution I in paragraph 38 below, with the exception of the second preambular paragraph and paragraphs 1, 4, 5 and 7.*]

"*Reaffirming* the importance of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988[1] for improving international co-operation in that field and, further, for strengthening the existing international instruments for the control of narcotic drugs and psychotropic substances, namely, the Single Convention on Narcotic Drugs of 1961,[2] as amended by the 1972 Protocol Amending the Single Convention on Narcotic Drugs[3] and the Convention on Psychotropic Substances of 1971,[4]

"1. *Urges* States that have not yet done so to proceed as soon as possible to ratify or accede to the Convention;

"4. *Once again urges* all States that have not yet done so to ratify or accede to the Single Convention on Narcotic Drugs of 1961, as amended by the 1972 Protocol amending the Single Convention on Narcotic Drugs of 1961, and the Convention on Psychotropic Substances of 1971;

"5. *Requests* the Secretary-General to assign appropriate priority to providing the Division of Narcotic Drugs of the Secretariat and the secretariat of the International Narcotics Control Board with the necessary financial, technical and human resources to enable them to carry out their additional responsibilities under the Convention for the biennium 1990-1991;

"7. *Requests* the Secretary-General to report to the General Assembly at its forty-sixth session on the implementation of the present resolution."

9. At the same meeting, the representative of Venezuela orally revised the draft resolution as follows:

(*a*) In the second preambular paragraph, after "the Single Convention on Narcotic Drugs of 1961," "and that Convention" was inserted and after "1972 Protocol", "Amending the Single Convention on Narcotic Drugs" was deleted;

(*b*) At the end of paragraph 1 ", in order to make its provisions more universally effective" was added;

(*c*) In paragraph 4, after "the Single Convention on Narcotic Drugs of 1961," "and that Convention" was inserted and after "1972 Protocol", "Amending the Single Convention on Narcotic Drugs of 1961" was deleted;

(*d*) At the end of paragraph 5, "without prejudice to the provisions of any resolution authorizing a reform of the United Nations structure for international drug abuse control" was added;

(*e*) In paragraph 7, "forty-sixth session" was replaced by "forty-seventh session".

10. Subsequently, Saint Kitts and Nevis and Turkey joined in sponsoring the draft resolution.

11. At its 59th meeting, the Committee had before it a revised version (A/C.3/45/L.39/Rev.1) of the draft resolution.

12. At the same meeting, the Committee adopted the revised draft resolution (see para. 38 below, draft resolution I).

Draft resolution A/C.3/45/L.40

13. At the 43rd meeting, the representative of Cuba introduced a draft resolution (A/C.3/45/L.40), entitled "Respect for the principles enshrined in the Charter of the United Nations and international law in the fight against drug abuse and illicit trafficking", sponsored by Bolivia, Colombia, Cuba, Ecuador, Mexico and Peru.

14. At the 57th meeting, the representative of Cuba orally revised the draft resolution as follows:

(*a*) In paragraph 1, "should be based on" after "illicit trafficking" was replaced by "should continue to be based on",

(*b*) Paragraph 4, which read:

"4. *Requests* the Secretary-General to ensure implementation of the present resolution and to report to the General Assembly thereon at its forty-sixth session;", was replaced by:

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[1] E/CONF.82/15 and Corr.2.

[2] United Nations, *Treaty Series*, vol. 520, No. 7515.

[3] *Ibid.*, vol. 976, No. 14152.

[4] *Ibid.*, vol. 1019, No. 14956.

"4. *Invites* the Secretary-General to give due consideration to principles set out in the present resolution in a report to the General Assembly at its forty-sixth session;".

15. At the same meeting, the Committee adopted the draft resolution as orally revised (see para. 38 below, draft resolution II).

Draft resolution A/C.3/45/L.41

16. At the 43rd meeting, the representative of Austria introduced a draft resolution (A/C.3/45/L.41) entitled "Implementation of the Global Programme of Action against illicit production, supply, demand, trafficking and distribution of narcotic drugs and psychotropic substances", sponsored by Australia, Austria, the Bahamas, Bangladesh, Bolivia, Canada, Chile, Colombia, Denmark, Finland, Germany, Greece, Hungary, Iceland, Iran (Islamic Republic of), Italy, Jamaica, Japan, Liechtenstein, Malaysia, Mexico, Morocco, the Netherlands, New Zealand, Norway, Pakistan, Peru, the Philippines, Spain, Suriname, Sweden, Thailand, Trinidad and Tobago, Turkey, the Ukrainian Soviet Socialist Republic, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Venezuela. Subsequently, Ireland and Samoa joined in sponsoring the draft resolution.

17. At its 57th meeting, the Committee adopted the draft resolution (see para. 38 below, draft resolution III).

Draft resolution A/C.3/45/L.43 and Rev.1

18. At the 43rd meeting, the representative of Bolivia introduced a draft resolution (A/C.3/45/L.43) entitled "International action to combat drug abuse and illicit trafficking", sponsored by Algeria, Argentina, the Bahamas, Bangladesh, Belize, Bolivia, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, the Dominican Republic, Ecuador, Egypt, El Salvador, Fiji, Ghana, Greece, Guatemala, Guinea, Guyana, Haiti, Honduras, India, Indonesia, Jamaica, Malaysia, Mexico, Morocco, Nicaragua, Pakistan, Panama, Paraguay, Peru, the Philippines, Singapore, Spain, Suriname, the Ukrainian Soviet Socialist Republic, the Union of Soviet Socialist Republics, Uruguay, Venezuela and Yugoslavia. The draft resolution read as follows:

"*The General Assembly*,

"*Deeply concerned* that the illicit demand for, production of and traffic in narcotic drugs and psychotropic substances continue to pose a serious threat to all mankind, to affect adversely the socio-economic and political structures of affected societies and to endanger the stability, national security and sovereignty of States,

"*Alarmed* by the growing connection between drug trafficking and terrorism,

"*Reaffirming* the principle of the shared responsibility of the international community in combating drug abuse and illicit trafficking,

"*Reaffirming also* the importance of international co-operation in the immediate implementation of all mandates and courses of action contained in the Comprehensive Multidisciplinary Outline of Future Activities in Drug Abuse Control,[5] adopted by the International Conference on Drug Abuse and Illicit Trafficking, and the Global Programme of Action,[6] adopted by the General Assembly at its seventeenth Special Session,

"*Welcoming* the work of the Intergovernmental Expert Group to Study the Economic and Social Consequences of Illicit Traffic in Drugs, convened under General Assembly resolution 44/142 of 15 December 1989, on the impact of the social and economic consequences of drug-money transfers and conversion, which have an adverse effect on national economic systems (see A/C.3/45/8, annex),

"*Recognizing* that the consideration by the Intergovernmental Expert Group of the financial aspects of its mandate was more extensive than that of the economic and social aspects, and that these latter areas require further and more detailed analysis,

"*Welcoming* the efforts made by those countries that produce narcotic drugs for scientific, medicinal and therapeutic uses to prevent the channelling of such substances to illicit markets and to maintain production at a level consistent with licit demands,

"*Reiterating* that the transit routes used by drug traffickers change constantly and that an ever-growing number of countries in all regions of the world, and even entire regions, are particularly vulnerable to illicit transit traffic on account, *inter alia*, of their geographical location,

"*Noting with regret* that the work of the secretariat of the International Narcotics Control Board and of the Division of Narcotic Drugs of the Secretariat is impeded by lack of human and financial resources and affirming that this problem must be given due consideration in the context of the restructuring of the United Nations drug control system,

"*Reiterating its condemnation* of criminal activities that involve children in the use, production and illicit distribution of narcotic drugs and psychotropic substances, and appealing to the competent international agencies and the United Nations Fund for Drug Abuse Control to assign high priority to measures designed to address this problem,

"*Reaffirming* that the Declaration adopted by the International Conference on Drug Abuse and Illicit Trafficking,[7] the Political Declaration adopted by the General Assembly at its seventeenth special session,[6] the Declaration of the World Ministerial Summit to Reduce the Demand for Drugs and to Combat the Cocaine Threat, held in London from 9 to 11 April 1990 (see A/45/262, annex), and the Comprehensive Multidisciplinary Outline of Future Activities in Drug Abuse Control and the Global Programme of Action, together with the international drug control treaties, provide a comprehensive framework for international co-operation in drug control,

"*Noting* that in the Global Programme of Action the United Nations Fund for Drug Abuse Control is invited to elaborate for consideration by States a subregional strategy covering all aspects of drug abuse control and concentrating on the most affected areas where the problems are most complex and grave,[8]

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[5] See *Report of the International Conference on Drug Abuse and Illicit Trafficking, Vienna, 17-26 June 1987* (United Nations publication, Sales No. E.87.I.18), chap. I, sect. A.

[6] See resolution S-17/2, annex.

[7] See *Report of the International Conference on Drug Abuse and Illicit Trafficking, Vienna, 17-26 June 1987* (United Nations publication, Sales No. E.87.I.18), chap. I, sect. B.

"*Noting with satisfaction* that the regional meetings of heads of national drug law enforcement agencies and the Sub-Commission on Illicit Traffic and Related Matters in the Near and Middle East are sources of very useful recommendations for action at the regional level oriented towards solving specific problems of the various regions,

"1. *Strongly condemns* the crime of drug trafficking in all its forms and urges continued commitment and effective international action to combat it, in keeping with the principle of shared responsibility and with full respect for national sovereignty and the cultural identity of States;

"2. *Urges* Governments and organizations to adhere to the principles set forth in the Declaration adopted by the International Conference on Drug Abuse and Illicit Trafficking and the Political Declaration adopted by the General Assembly at its seventeenth special session, and to implement the recommendations and mandates contained in the Comprehensive Multidisciplinary Outline of Future Activities in Drug Abuse Control and in the Global Programme of Action;

"3. *Also urges* the immediate implementation of the mandates and recommendations contained in the Comprehensive Multidisciplinary Outline of Future Activities in Drug Abuse Control and the Global Programme of Action, particularly those pertaining to, *inter alia*, demand reduction, crop substitution, integrated rural development, expanded opportunities for trade and investment, including international co-operation to facilitate the marketing of substituted crops, interdiction, the control of precursors and essential chemicals, money-laundering and problems of licit producers;

"4. *Notes with appreciation* the work done by the Intergovernmental Expert Group to Study the Economic and Social Consequences of Illicit Traffic in Drugs, and decides that the report of the Group should be circulated as a document of the General Assembly (see A/C.3/45/8, annex);

"5. *Requests* the Secretary-General to consider convening a further meeting of the Intergovernmental Expert Group to enable it to conclude the analysis commenced under paragraph 9 (*a*) of resolution 44/142;

"6. *Invites* the Commission on Narcotic Drugs to study the various recommendations and conclusions of the Intergovernmental Expert Group, and to provide to the Group its views and additional information on the various aspects of the topic that may be pertinent for the timely and efficient accomplishment of the mandate of the Group at its next meeting;

"7. *Welcomes* the establishment under the Commission on Narcotic Drugs of a world-wide network of regional meetings of heads of national drug law enforcement agencies, which, together with the Sub-Commission on Illicit Traffic and Related Matters in the Near and Middle East, constitute co-operation mechanisms against illicit trafficking in narcotic drugs and psychotropic substances, and the fact that the First Meeting of Heads of National Drug Law Enforcement Agencies, European Region, will be convened in Moscow from 19 to 23 November 1990;

"8. *Emphasizes* the connection between the illicit production and supply of, demand for, sale of and traffic and transit in narcotic drugs and psychotropic substances and the economic, social and cultural conditions of the countries affected and that solutions to these problems must take into account the differences and diversity of the problem in each country;

"9. *Urges* the international community to provide increased international economic and technical assistance to Governments, at their request, to support crop substitution programmes through the formulation and implementation of integrated rural development programmes that respect fully the jurisdiction and sovereignty of countries and the cultural traditions of peoples;

"10. *Considers* that a system should be established to identify the methods and routes used for transit traffic of illicit narcotic drugs and psychotropic substances, in order to enhance the interdiction capability of States along such routes;

"11. *Encourages* all countries to take action to prevent the illicit arms trade by which weapons are provided to drug traffickers;

"12. *Takes note* of the recommendations and conclusions of the World Ministerial Summit to Reduce the Demand for Drugs and to Combat the Cocaine Threat (see A/45/262, annex), notes all efforts designed to reduce and prevent the illicit demand for narcotic drugs and psychotropic substances, and calls upon the United Nations and other relevant international organizations to devote greater attention to this aspect of the drug problem;

"13. *Urges* Member States to increase substantially their contributions to the United Nations Fund for Drug Abuse Control to enable it to expand further its programmes;

"14. *Welcomes* the initiatives of the United Nations Fund for Drug Abuse Control aimed at prompting and supporting subregional programmes as envisaged by the Global Programme of Action and urges the Governments concerned to increase their co-operation in support of such subregional strategies;

"15. *Strongly recommends* that the necessary resources from within the regular budget and from extra-budgetary sources be made available for the implementation of the various activities for drug abuse control, and particularly for the implementation of the mandates and courses of action contained in the Comprehensive Multidisciplinary Outline of Future Activities in Drug Abuse Control and the Global Programme of Action;

"16. *Requests* the Commission on Narcotic Drugs to study the mandates and recommendations contained in the Comprehensive Multidisciplinary Outline of Future Activities in Drug Abuse Control, the Global Programme of Action and other relevant documents, with a view to establishing a plan of work for the first half of the United Nations Decade against Drug Abuse 1991-2000;[5]

"17. *Takes note* of the reports of the Secretary-General (A/45/535 and A/45/542) and requests him to report to the General Assembly at its forty-sixth session on the implementation of the present resolution;

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[8] See resolution S-17/2, annex, Global Programme of Action, para. 42.

"18. *Decides* to include in the provisional agenda of its forty-sixth session the item entitled 'International action to combat drug abuse and illicit trafficking'."

19. Subsequently, Saint Kitts and Nevis joined in sponsoring the draft resolution.

20. At the 59th meeting, the representative of Bolivia introduced a revised version (A/C.3/45/L.43/Rev.1) of the draft resolution, sponsored by Algeria, Argentina, the Bahamas, Bangladesh, Belize, Bolivia, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, the Dominican Republic, Ecuador, Egypt, El Salvador, Fiji, Ghana, Greece, Guatemala, Guinea, Guyana, Haiti, Honduras, India, Indonesia, Jamaica, Malaysia, Mexico, Morocco, Nicaragua, Pakistan, Panama, Paraguay, Peru, the Philippines, Saint Kitts and Nevis, Singapore, Spain, Suriname, Thailand, the Ukrainian Soviet Socialist Republic, the Union of Soviet Socialist Republics, Uruguay, Vanuatu, Venezuela and Yugoslavia.

21. In introducing the revised draft resolution the representative of Bolivia indicated that it had been the result of informal consultations held on draft resolutions A/C.3/45/L.38 and A/C.3/45/L.43.

22. Subsequently, Samoa joined in sponsoring the draft resolution.

23. At the 60th meeting, the Secretary of the Committee read out the following revisions to the revised draft resolution:

(*a*) In section I, paragraph 3, after "eradication", "and substitution" was inserted; "substituted crops" was replaced by "substitute crops" and "illicit producers" was replaced by "licit producers";

(*b*) In section I, paragraph 4, "will be convened" was replaced by "was convened".

24. At the same meeting, the representatives of Bolivia and Panama made statements.

25. Also at the same meeting, the Committee adopted the draft resolution as orally revised (see para. 38 below, draft resolution IV).

26. After the adoption of the draft resolution, the representative of the United Kingdom of Great Britain and Northern Ireland made a statement.

Draft resolution A/C.3/45/L.44

27. At the 43rd meeting, the representative of Mexico introduced a draft resolution (A/C.3/45/L.44) entitled "Enhancement of the United Nations structure for drug abuse control", sponsored by Argentina, Australia, the Bahamas, Bangladesh, Belgium, Bolivia, Canada, Chile, Colombia, Denmark, Ecuador, El Salvador, Finland, Germany, Guatemala, Honduras, Hungary, Iceland, India, Italy, Jamaica, Luxembourg, Malaysia, Mexico, Morocco, the Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Pakistan, Peru, Singapore, Spain, Suriname, Sweden, Thailand, Turkey, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Uruguay and Venezuela and orally revised it as follows:

(*a*) In the eleventh preambular paragraph, after "the Single Convention on Narcotic Drugs of 1961," "and that Convention" was inserted and after "1972 Protocol", "Amending the Single Convention on Narcotic Drugs of 1961" was deleted;

(*b*) In paragraph 7, "thirty-fifth regular session" was replaced by "thirty-fourth regular session".

28. Subsequently, Costa Rica, Côte d'Ivoire, Czechoslovakia, the Philippines, Saint Kitts and Nevis, Samoa and Vanuatu joined in sponsoring the draft resolution.

29. The Committee had before it a statement on the programme budget implications (A/C.3/45/L.67) of the draft resolution, submitted by the Secretary-General in accordance with rule 153 of the rules of procedure of the General Assembly.

30. At the same meeting, the representative of Uganda introduced amendments to the draft resolution, which were contained in document A/C.3/45/L.45.

31. The amendments read as follows:

"1. After the third preambular paragraph insert a new paragraph reading

> '*Also recognizing with appreciation* the significant role of the United Nations regional centres in fighting against drug abuse and illicit trafficking in developing countries, particularly the least developed countries,';

"2. Insert a new paragraph 7 reading

> '7. *Decides* to support fully drug related activities of the African Institute for the Prevention of Crime and the Treatment of Offenders, and in that regard requests the Secretary-General, effective January 1991, to finance the Institute directly from the regular budget;'

"3. Renumber the remaining paragraphs accordingly."

3. At the same meeting, the representative of Uganda orally revised the second amendment by replacing "drug related activities" by "drug-control activities".

33. The Committee had before it a statement on the programme budget implications (A/C.3/45/L.68) of the draft resolution, submitted by the Secretary-General in accordance with rule 153 of the rules of procedure of the General Assembly.

34. At the 62nd meeting, the representative of Uganda made a statement in the course of which he withdrew the amendments contained in document A/C.3/45/L.45, in the light of the adoption of a draft decision (A/C.3/45/L.102) entitled "Crime prevention and criminal justice", submitted by the representative of Sweden under agenda item 100 (see annex fascicle, agenda items 94, 95 and 100, document A/45/756, paras. 49 and 50).

35. At the same meeting, the representative of Mexico made a statement.

36. Also at the same meeting, the Committee adopted the draft resolution (see para. 38 below, draft resolution V), on the understanding that the question of illicit drug control within the United Nations would continue to be treated as a social/economic matter by the Economic and Social Council and the General Assembly.

37. After the adoption of the draft resolution, the representative of Japan made a statement.

Recommendation of the Third Committee

38. The Third Committee recommends to the General Assembly the adoption of draft resolutions I to V below:

Draft resolution I

IMPLEMENTATION OF THE UNITED NATIONS CONVENTION AGAINST ILLICIT TRAFFIC IN NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES

The General Assembly,

Recalling its resolutions 33/168 of 20 December 1978, 35/195 of 15 December 1980, 36/132 of 14 December 1981, 36/168 of 16 December 1981, 37/168 of 17 December 1982, 37/198 of 18 December 1982, 38/93 and 38/122 of 16 December 1983, 39/141 and 39/143 of 14 December 1984, 40/120, 40/121 and 40/122 of 13 December 1985, 41/125, 41/126 and 41/127 of 4 December 1986, 42/111, 42/112 and 42/113 of 7 December 1987, 43/120 of 8 December 1988 and 44/140 of 15 December 1989 and other relevant provisions,

Reaffirming the importance of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988[1] for improving international co-operation in that field and further strengthening the existing international instruments for the control of narcotic drugs and psychotropic substances, namely, the Single Convention on Narcotic Drugs of 1961,[2] and that Convention as amended by the 1972 Protocol,[3] and the Convention on Psychotropic Substances of 1971,[4]

Welcoming the entry into force of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 on 11 November 1990, the necessary number of ratifications and accessions having been reached,

Expressing its satisfaction with the work thus far done by the Division of Narcotic Drugs of the Secretariat relating to the establishment of various measures to assist States to become parties to the Convention and provisionally implement its provisions, as well as with the inclusion of legal and technical assistance to States to these ends in the programme of work of the Division for the biennium 1990-1991,

Taking note of the Political Declaration and the Global Programme of Action[6] adopted by the General Assembly at its seventeenth special session, held from 20 to 23 February 1990, as well as the Declaration of the World Ministerial Summit to Reduce the Demand for Drugs and to Combat the Cocaine Threat, held in London from 9 to 11 April 1990 (A/45/262, annex),

Bearing in mind the Ministerial Meeting on the Consumption, Production and Traffic of Illicit Drugs, held at Ixtapa, Mexico, from 17 to 20 April 1990,

Taking note of the report of the Commission on Narcotic Drugs on its eleventh special session (E/1990/24), held at Vienna from 29 January to 2 February 1990, and in particular of the measures adopted by this United Nations standard-setting body relating to the entry into force and the provisional application of the Convention,

1. *Urges* States that have not yet done so to proceed as soon as possible to ratify or accede to the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, in order to make its provisions more universally effective;

2. *Also urges* States to establish the necessary legislative and administrative measures so that their internal juridical regulations may be compatible with the spirit and the scope of the Convention;

3. *Invites* States, to the extent that they are able to do so, to apply provisionally the measures set forth in the Convention, pending its entry into force for each of them, and, in particular, to bear in mind the advisory services available for this purpose from the Division of Narcotic Drugs of the Secretariat;

4. *Once again urges* all States that have not yet done so to ratify or accede to the Single Convention on Narcotic Drugs of 1961, and that Convention as amended by the 1972 Protocol, and the Convention on Psychotropic Substances of 1971;

5. *Requests* the Secretary-General to assign appropriate priority to providing the Division of Narcotic Drugs and the secretariat of the International Narcotics Control Board with the necessary financial, technical and human resources that would enable them to carry out their additional responsibilities under the Convention for the biennium 1990-1991 without prejudice to the provisions of any resolution authorizing a reform of the United Nations structure for international drug abuse control;

6. *Once again requests* the Secretary-General, within existing resources and drawing, in particular, on funds available to the Department of Public Information of the Secretariat, to provide, facilitate and encourage public information activities relating to the Convention;

7. *Requests* the Secretary-General to report to the General Assembly at its forty-seventh session on the implementation of the present resolution.

Draft resolution II

RESPECT FOR THE PRINCIPLES ENSHRINED IN THE CHARTER OF THE UNITED NATIONS AND INTERNATIONAL LAW IN THE FIGHT AGAINST DRUG ABUSE AND ILLICIT TRAFFICKING

The General Assembly,

Conscious that the adoption of the Political Declaration and the Global Programme of Action[6] at the seventeenth special session of the General Assembly, devoted to the question of international co-operation against illicit production, supply, demand, trafficking and distribution of narcotic drugs and psychotropic substances, was an important step in the harmonization of the efforts of all to combat the scourge of mankind,

Reaffirming the purpose of the United Nations to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace,

Convinced that an intensification of international co-operation and concerted action among States is the fundamental basis for confronting the problem of drug abuse and illicit trafficking,

Recognizing that the international fight against illicit trafficking should be pursued in full conformity with the principles enshrined in the Charter of the United Nations, and the principles of international law, particularly respect for the sovereignty and territorial integrity of States, non-interference in the internal affairs of States, and non-use of force or the threat of force in international relations,

1. *Reaffirms* that the fight against drug abuse and illicit trafficking should continue to be based on strict respect for

the principles enshrined in the Charter of the United Nations and international law, particularly respect for the sovereignty and territorial integrity of States, non-interference in the internal affairs of States, and non-use of force or the threat of force in international relations;

2. *Calls upon* all States to intensify their actions to promote effective co-operation in the efforts to combat drug abuse and illicit trafficking, so as to contribute to a climate conducive to achieving this end, and to refrain from using the issue for political purposes;

3. *Affirms* that the international fight against drug trafficking should not in any way justify violation of the principles enshrined in the Charter of the United Nations and international law, particularly the right of all peoples freely to determine, without external interference, their political status and to pursue their economic, social and cultural development, and that every State has the duty to respect this right in accordance with the provisions of the Charter;

4. *Invites* the Secretary-General to give due consideration to principles set out in the present resolution in a report to the General Assembly at its forty-sixth session;

5. *Decides* to consider at its forty-sixth session the question of respect for the principles enshrined in the Charter of the United Nations and international law in the fight against drug abuse and illicit trafficking, under the item entitled "International action to combat drug abuse and illicit trafficking".

Draft resolution III

IMPLEMENTATION OF THE GLOBAL PROGRAMME OF ACTION AGAINST ILLICIT PRODUCTION, SUPPLY, DEMAND, TRAFFICKING AND DISTRIBUTION OF NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES

The General Assembly,

Recalling its resolutions 44/16 of 1 November 1989 and 44/141 of 15 December 1989, and taking note of Economic and Social Council resolution 1990/84 of 27 July 1990,

Fully aware that the international community is confronted with the dramatic problem of drug abuse and the illicit cultivation, production, demand, processing, distribution and trafficking of narcotic drugs and psychotropic substances and that States need to work on the international level as well as individually to deal with this scourge,

Stressing the important role of the United Nations, its relevant bodies and the specialized agencies in the fight against drug abuse at the national, regional and international levels,

Recalling the Political Declaration and the Global Programme of Action adopted by the General Assembly at its seventeenth special session on 23 February 1990,[6]

Recognizing the continuing importance and validity of the Declaration[7] and the Comprehensive Multidisciplinary Outline of Future Activities in Drug Abuse Control,[5] as adopted by the International Conference on Drug Abuse and Illicit Trafficking, and the Declaration adopted at the World Ministerial Summit to Reduce the Demand for Drugs and to Combat the Cocaine Threat, held in London from 9 to 11 April 1990 (A/45/262, annex),

1. *Reaffirms* the commitment expressed in the Global Programme of Action and the Comprehensive Multidisciplinary Outline of Future Activities in Drug Abuse Control;

2. *Calls upon* States to take all possible steps to promote and implement individually and in co-operation with others the mandates and recommendations contained in the Global Programme of Action, with a view to translating the Programme into practical action to the widest possible extent at the national, regional and international levels;

3. *Requests* the Commission on Narcotic Drugs and the United Nations drug control porgramme,[9] once established, to promote and continuously monitor the progress on the implementation of the Global Programme of Action;

4. *Requests* the Secretary-General to report annually to the General Assembly on all activities relating to the Global Programme of Action, including those of Governments;

5. *Calls upon* the United Nations and its relevant bodies and specialized agencies, other relevant intergovernmental organizations and non-governmental organizations to extend their co-operation and assistance to States in the promotion and implementation of the Global Programme of Action;

6. *Requests* the Secretary-General to report to the General Assembly at its forty-sixth session on the implementation of the present resolution.

Draft resolution IV

INTERNATIONAL ACTION TO COMBAT DRUG ABUSE AND ILLICIT TRAFFICKING

The General Assembly,

Deeply concerned that the illicit demand for, production of and traffic in narcotic drugs and psychotropic substances continue to pose a serious threat to all mankind, to affect adversely the socio-economic and political structures of affected societies and to endanger the stability, national security and sovereignty of States,

Alarmed by the growing connection between drug trafficking and terrorism,

Reaffirming the principle of the shared responsibility of the international community in combating drug abuse and illicit trafficking,

Reaffirming also the importance of international co-operation in the immediate implementation of all mandates and courses of action contained in the Comprehensive Multidisciplinary Outline of Future Activities in Drug Abuse Control,[5] adopted by the International Conference on Drug Abuse and Illicit Trafficking, and the Global Programme of Action,[6] adopted by the General Assembly at its Seventeenth Special Session,

Taking note with interest of the reports of the Secretary-General (A/45/535 and A/45/542),

Welcoming the work of the Intergovernmental Expert Group to Study the Economic and Social Consequences of Illicit Traffic in Drugs, convened under General Assembly resolution 44/142 of 15 December 1989, on the impact of the social and economic consequences of drug-money transfers and conversion, which have an adverse effect on national economic systems (see A/C.3/45/8, annex),

Having in mind that the Intergovernmental Expert Group proposed a framework for a future in-depth study on the economic and social consequences of illicit traffic in drugs (*ibid.*), for which reason the issue must be duly followed up,

Keeping in mind that the Secretary-General has taken note of the recommendations addressed to him by the Intergovernmental Expert Group, which will be considered in the context of the proposed programme of drug-control activities for the biennium 1992-1993,

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[9] See resolution 45/179.

Recognizing that the consideration by the Intergovernmental Expert Group of the financial aspects of its mandate was more extensive than that of the economic and social aspects, and that these latter areas require further and more detailed analysis,

Welcoming the efforts made by those countries which produce narcotic drugs for scientific, medicinal and therapeutic uses to prevent the channelling of such substances to illicit markets and to maintain production at a level consistent with licit demands,

Reiterating that the transit routes used by drug traffickers change constantly and that an ever-growing number of countries in all regions of the world, and even entire regions, are particularly vulnerable to illicit transit traffic on account, *inter alia*, of their geographical location,

Noting with regret that the work of the secretariat of the International Narcotics Control Board and of the Division of Narcotic Drugs of the Secretariat is impeded by lack of human and financial resources and affirming that this problem must be given due consideration in the context of the restructuring of the United Nations drug control system,

Reiterating its condemnation of criminal activities that involve children in the use, production and illicit distribution of narcotic drugs and psychotropic substances, and appealing to the competent international agencies and the United Nations Fund for Drug Abuse Control to assign priority to measures designed to address this problem,

Reaffirming that the Declaration adopted by the International Conference on Drug Abuse and Illicit Trafficking,[7] the Political Declaration adopted by the General Assembly at its seventeenth special session,[6] the Declaration of the World Ministerial Summit to Reduce the Demand for Drugs and to Combat the Cocaine Threat, held in London from 9 to 11 April 1990 (see A/45/262, annex), and the Comprehensive Multidisciplinary Outline of Future Activities in Drug Abuse Control and the Global Programme of Action, together with the international drug control treaties, provide a comprehensive framework for international co-operation in drug control,

Noting that in the Global Programme of Action the United Nations Fund for Drug Abuse Control is invited to elaborate for consideration by States a subregional strategy covering all aspects of drug abuse control and concentrating on the most affected areas where the problems are most complex and grave,[8]

Noting with satisfaction that the regional meetings of heads of national drug law enforcement agencies and the Sub-Commission on Illicit Traffic and Related Matters in the Near and Middle East are sources of very useful recommendations for action at the regional level oriented towards solving specific problems of the various regions,

I

INTERNATIONAL ACTION TO COMBAT DRUG ABUSE AND ILLICIT TRAFFICKING

1. *Strongly condemns* the crime of drug trafficking in all its forms and urges continued commitment and effective international action to combat it, in keeping with the principle of shared responsibility and with full respect for national sovereignty and the cultural identity of States;

2. *Urges* Governments and organizations to adhere to the principles set forth in the Declaration adopted by the International Conference on Drug Abuse and Illicit Trafficking and the Political Declaration adopted by the General Assembly at its seventeenth special session, and to implement the recommendations and mandates contained in the Comprehensive Multidisciplinary Outline of Future Activities in Drug Abuse Control and in the Global Programme of Action;

3. *Also urges* the immediate implementation of the mandates and recommendations contained in the Comprehensive Multidisciplinary Outline of Future Activities in Drug Abuse Control and the Global Programme of Action, particularly those pertaining to, *inter alia*, demand reduction, treatment and social rehabilitation of drug addicts, eradication and substitution of illicit crops, integrated rural development, establishment of complementary employment, health, housing and education programmes, expended opportunities for trade and investment, including international co-operation to facilitate the marketing of substitute crops, elimination of illicit trafficking, interdiction, supervision and control of precursors and essential chemicals, money-laundering and problems of licit producers;

4. *Welcomes* the establishment under the Commission on Narcotic Drugs of a world-wide network of regional meetings of heads of national drug [illegible] enforcement agencies, which, together with the Sub-Commission on Illicit Traffic and Related Matters in the Near and Middle East, constitute co-operation mechanisms against illicit trafficking in narcotic drugs and psychotropic substances, and the fact that the First Meeting of Heads of National Drug Law Enforcement Agencies, European Region, was convened in Moscow from 19 to 23 November 1990;

5. *Emphasizes* the connection between the illicit production and supply of, demand for, sale of and traffic in narcotic drugs and psychotropic substances and the economic, social and cultural conditions of the countries affected and that solutions to these problems must take into account the differences and diversity of the problem in each country;

6. *Calls upon* the international community to provide increased international economic and technical co-operation to Governments, at their request, in support of programmes for the substitution of illicit crops by means of integrated rural development programmes, respecting fully the jurisdiction and sovereignty of countries and the cultural traditions of peoples;

7. *Considers* that a system should be established to identify the methods and routes used for transit traffic of illicit narcotic drugs and psychotropic substances, in order to enhance the interdiction capability of States along such routes;

8. *Encourages* all countries to take action to prevent the illicit arms trade by which weapons are provided to drug traffickers;

9. *Takes note* of the recommendations and conclusions of the World Ministerial Summit to Reduce the Demand for Drugs and to Combat the Cocaine Threat (*ibid.*), notes all efforts designed to reduce and prevent the illicit demand for narcotic drugs and psychotropic substances, and calls upon

the United Nations and other relevant international organizations to devote greater attention to this aspect of the drug problem;

10. *Urges* Member States to increase substantially their voluntary contributions to the United Nations Fund for Drug Abuse Control to enable it to expand further its programmes;

11. *Welcomes* the initiatives of the United Nations Fund for Drug Abuse Control aimed at promoting and supporting subregional programmes as envisaged by the Global Programme of Action and urges the Governments concerned to increase their co-operation in support of such subregional strategies;

12. *Strongly recommends* that the necessary resources from within the regular budget and from extrabudgetary sources be made available for the implementation of the various activities for drug abuse control, and particularly for the implementation of the mandates and courses of action contained in the Comprehensive Multidisciplinary Outline of Future Activities in Drug Abuse Control and the Global Programme of Action;

13. *Requests* the Commission on Narcotic Drugs to study the mandates and recommendations contained in the Comprehensive Multidisciplinary Outline of Future Activities in Drug Abuse Control, the Global Programme of Action and other relevant documents, with a view to establishing a timetable for their implementation in the first five years of the United Nations Decade against Drug Abuse 1991-2000.[6]

II

ECONOMIC AND SOCIAL CONSEQUENCES OF ILLICIT TRAFFIC IN DRUGS AND PSYCHOTROPIC SUBSTANCES

1. *Requests* the Secretary-General to issue the report of the Intergovernmental Expert Group to Study the Economic and Social Consequences of Illicit Traffic in Drugs as a document of the forty-fifth session of the General Assembly (see A/C.3/45/8, annex) and to submit it to the Commission on Narcotic Drugs for consideration at its thirty-fifth session;

2. *Invites* the Commission on Narcotic Drugs to study the various recommendations and conclusions contained in the report of the Intergovernmental Expert Group, in particular those relative to the proposed framework for a future in-depth study on the economic and social consequences of illicit traffic in drugs, and to report thereon to the General Assembly at its forty-sixth session through the Economic and Social Council;

3. *Requests* the Secretary-General, in view of the provisional and preliminary nature of the study carried out by the Intergovernmental Expert Group to consider the possibility of convening a meeting of an expert group to conclude the analysis commenced pursuant to paragraph 9 (*a*) of resolution 44/142, and to give due consideration to any recommendations made by the Commission on Narcotic Drugs;

4. *Notes with interest* the observation made by the Intergovernmental Expert Group that it is important for the United Nations to develop an integrated and unified information system to provide reliable data and information on the illicit drug trafficking chain, especially illicit production, manufacture, processing and consumption (*ibid.*, para. 24);

5. *Invites* the Secretary-General to report to the General Assembly at its forty-sixth session on the measures to be adopted in implementation, in a timely manner, of the recommendations made by the Intergovernmental Expert Group, as well as the relevant recommendations made by the Commission on Narcotic Drugs;

6. *Requests* the Secretary-General to submit a report to the General Assembly at its forty-sixth session on the implementation of the present resolution;

7. *Decides* to include in the provisional agenda of its forty-sixth session the item entitled "International action to combat drug abuse and illicit trafficking".

Draft resolution V

ENHANCEMENT OF THE UNITED NATIONS STRUCTURE FOR DRUG ABUSE CONTROL

The General Assembly,

Alarmed by the dramatic increase in drug abuse and illicit production and trafficking in narcotic drugs and psychotropic substances, which is threatening the health and well-being of millions of people in the majority of countries in the world,

Commending the determined efforts of Governments in the fight against drug abuse and illicit trafficking and recognizing the importance of support for such efforts by the United Nations system,

Noting with appreciation the significant work carried out within the United Nations system in the field of drug abuse control and the valuable knowledge, expertise and experience represented there,

Recognizing that the new dimensions taken on by the drug menace necessitates a more comprehensive and integrated approach to international drug control and a more efficient structure to ensure co-ordination, complementarity and non-duplication of activities across the United Nations system in order to use available resources in the most efficient way to enable the United Nations to play a central and greatly enhanced role in this field,

Recalling the Comprehensive Multidisciplinary Outline of Future Activities in Drug Abuse Control, as adopted by the International Conference on Drug Abuse and Illicit Trafficking on 26 June 1987,[5] and the Global Programme of Action adopted by the General Assembly at its seventeenth special session on 23 February 1990,[6]

Having considered the report of the Secretary-General (A/45/652),

Noting with appreciation the work carried out, pursuant to paragraph 4 of General Assembly resolution 44/141 of 15 December 1989, by the Group of Experts to advise and assist the Secretary-General on the enhancement of the efficiency of the United Nations structure for drug abuse control (see A/45/652/Add.1, annex),

Recalling the need to ensure, in respect of recruitment to posts that are financed from the regular budget, the highest standards of efficiency, competence and integrity, and paying due regard to the importance of recruiting staff on as wide a geographical basis as possible, in accordance with Article 101, paragraph 3, of the Charter of the United Nations, *Emphasizing* that the problem of drug abuse and illicit trafficking has to be dealt with within the broader economic and social contexts,

Underlining the role of the Commission on Narcotic Drugs, as the principal United Nations policy-making body on drug control issues and the independent role of the International Narcotics Control Board,

Underlining also the importance of the Single Convention on Narcotic Drugs of 1961,[2] and that Convention as amended by the 1972 Protocol,[3] the Convention on Psychotropic Substances of 1971[4] and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988,[1]

1. *Takes note with appreciation* of the report of the Secretary-General (A/45/652) and the report of the Group of Experts, entitled "Drugs and the United Nations: meeting the challenge" (see A/45/652/Add.1, annex);

2. *Welcomes* the proposal of the Secretary-General to unify the United Nations structure for drug abuse control to enable the United Nations to strengthen its role as the main focus for concerted international action for drug abuse control;

3. *Requests* the Secretary-General to create a single drug control programme, to be called the United Nations International Drug Control Programme, based at Vienna, and to integrate fully therein the structures and the functions of the Division of Narcotic Drugs of the Secretariat, the secretariat of the International Narcotics Control Board and the United Nations Fund for Drug Abuse Control with the objective of enhancing the effectiveness and efficiency of the United Nations structure for drug abuse control in keeping with the functions and mandates of the United Nations in this field;

4. *Invites* the Secretary-General to take the necessary steps in order to appoint a senior official at the level of Under-Secretary-General, who will execute the integration process and head the new integrated Programme starting from 1 January 1991 with the exclusive responsibility for co-ordinating and providing effective leadership for all United Nations drug control activities, in order to ensure coherence of actions within the Programme as well as co-ordination, complementarity and non-duplication of such activities across the United Nations system;

5. *Also invites* the Secretary-General to structure the United Nations International Drug Control Programme along the following lines:

(*a*) Treaty implementation, which would integrate, with due consideration to treaty arrangements, the functions of the secretariat of the International Narcotics Control Board and the treaty implementation functions of the Division of Narcotic Drugs, taking into account the independent role of the Board;

(*b*) Policy implementation and research, with responsibility for implementing policy decisions of the relevant legislative bodies and conducting analytical work;

(*c*) Operational activities, with responsibility for co-ordinating and carrying out the technical co-operation projects currently being executed mainly by the United Nations Fund for Drug Abuse Control, the Division of Narcotic Drugs and the secretariat of the International Narcotics Control Board;

6. *Endorses* the proposal of the Secretary-General to place the financial resources of the existing United Nations Fund for Drug Abuse Control under the direct responsibility of the head of the United Nations International Drug Control Programme as a fund for financing operational activities, mainly in developing countries;

7. *Requests* the Commission on Narcotic Drugs, at its thirty-fourth regular session, to consider ways and means of improving its functioning as a policy-making body and to submit its recommendations to the Economic and Social Council at its first regular session of 1991;

8. *Requests* the Secretary-General to transmit his report and that of the Group of Experts to the Commission on Narcotic Drugs at its thirty-fourth regular session so that they can be taken into account when the Commission discusses ways and means of improving its functioning;

9. *Requests* the Economic and Social Council, as a matter of urgency at its first regular session of 1991, giving due consideration to the recommendations of the Commission on Narcotic Drugs, to undertake a review of the functioning of the Commission on Narcotic Drugs and decide on the appropriate changes needed to improve it;

10. *Requests* the Secretary-General to review the United Nations System-Wide Action Plan on Drug Abuse Control, as revised (E/1990/39 and Corr.1 and 2 and Add.1), including all mandates and recommendations established by the Global Programme of Action, in the light of structural changes decided on in the present resolution;

11. *Underlines* that the United Nations International Drug Control Programme should give priority to the implementation of the recommendations contained in the Comprehensive Multidisciplinary Outline of Future Activities in Drug Abuse Control, as well as the mandates and recommendations in the Global Programme of Action;

12. *Requests* that the appropriation within the regular budget of the United Nations currently allocated to the secretariat of the International Narcotics Control Board and the Division of Narcotic Drugs be reallocated to the United Nations International Drug Control Programme in accordance with the Regulations and Rules Governing Programme Planning, the Programme Aspects of the Budget, the Monitoring of Implementation and the Methods of Evaluation, and invites the Secretary-General to ensure that adequate financial and other resources are allocated to the Programme to enable it to discharge its functions effectively;

13. *Decides* that the operational programme and related support costs currently financed from voluntary contributions shall, upon the establishment of the United Nations International Drug Control Programme, continue to be borne from voluntary contributions;

14. *Requests* the Secretary-General to submit to the General Assembly at its forty-sixth session a report on the measures taken to implement the present resolution.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 69th plenary meeting, on 18 December 1990, the General Assembly adopted draft resolutions I to IV submitted by the Third Committee in its report (A/45/764, para. 38). For the final texts, see resolutions 45/146 to 45/149.[10]

At its 71st plenary meeting, on 21 December 1990, the General Assembly adopted draft resolution V submitted by the Third Committee in its report (*ibid.*). For the final text, see resolution 45/179.[10]

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[10] See *Official Records of the General Assembly, Forty-fifth Session, Supplement No. 49.*

LIST OF OTHER DOCUMENTS PERTAINING TO THE ITEM

Symbol	*Title or description*	*Observations and references*
A/45/3 and Add.1 and 2	Report of the Economic and Social Council for the year 1990 (chap. V, sect. D)	See *Official Records of the General Assembly, Forty-fifth Session, Supplement No. 3*
A/45/138-S/21161	Letter dated 22 February 1990 from the representatives of Indonesia and Ireland to the Secretary-General transmitting the text of the joint declaration of the Eighth Meeting of Ministers for Foreign Affairs of the States members of the Association of South-East Asian Nations and of the European Community, held at Kuching, Malaysia, on 16 and 17 February 1990	
A/45/262	Letter dated 20 April 1990 from the representative of the United Kingdom of Great Britain and Northern Ireland to the Secretary-General transmitting the text of the Declaration of the World Ministerial Summit to Reduce the Demand for Drugs and to Combat the Cocaine Threat, held in London from 9 to 11 April 1990	
A/45/294	Letter dated 25 May 1990 from the representative of Saint Vincent and the Grenadines to the Secretary-General transmitting the text of the communiqué of the Sixteenth Meeting of the Standing Committee of Ministers responsible for Foreign Affairs of the States members of the Caribbean Community, held at Kingstown on 7 and 8 May 1990	
A/45/301	Letter dated 29 May 1990 from the representative of Argentina to the Secretary-General	
A/45/303	Letter dated 5 June 1990 from the representative of Malaysia to the Secretary-General transmitting the text of the joint communiqué adopted at the First Meeting of the Summit Level Group for South-South Consultations and Co-operation, Group of 15, held at Kuala Lumpur from 1 to 3 June 1990	
A/45/329	Letter dated 29 June 1990 from the representative of Cyprus to the Secretary-General transmitting the text of certain resolutions adopted at the 83rd Conference of the Inter-Parliamentary Union, held at Nicosia from 2 to 7 April 1990	
A/45/351	Letter dated 26 June 1990 from the representative of Brazil to the Secretary-General	
A/45/456	Letter dated 27 August 1990 from the representative of Vanuatu to the Secretary-General transmitting the text of the final communiqué of the Twenty-first South Pacific Forum, held at Port Vila on 31 July and 1 August 1990	
A/45/495	United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances: report of the Secretary-General	
A/45/535	Action taken pursuant to General Assembly resolution 44/142: report of the Secretary-General	
A/45/536	Global programme of action against illicit narcotic drugs: report of the Secretary-General	
A/45/542	International co-operation in drug abuse control: report of the Secretary-General	
A/45/584	Letter dated 4 October 1990 from the representative of Bolivia to the Secretary-General transmitting the text of a declaration adopted by the Ministers for Foreign Affairs of the States members of the Group of 77 at their fourteenth annual meeting, held in New York on 3 October 1990	
A/45/598-S/21854	Letter dated 3 October 1990 from the Minister for Foreign Affairs of the Union of Soviet Socialist Republics and the Secretary of State of the United States of America to the Secretary-General transmitting the text of the Joint American-Soviet Statement entitled "Responsibility for Peace and Security in the Changing World"	
A/45/652 and Add.1	Enhancement of the efficiency of the United Nations structure for drug abuse control: report of the Secretary-General	
A/45/675	Letter dated 26 October 1990 from the representative of Venezuela to the Secretary-General transmitting the text of documents issued by the Presidents of the States members of the Presidents of the States members of the Rio Group at the Fourth Summit Meeting of the Permanent Mechanism for Consultation and Concerted Political Action, held at Caracas on 11 and 12 October 1990	
A/45/846	Letter dated 12 December 1990 from the representative of Jamaica to the Secretary-General transmitting the text of the communiqué of the Eleventh Meeting of the Conference of Heads of Government of the Caribbean Community, held at Kingston from 31 July to 2 August 1990	

Symbol	*Title or description*	*Observations and references*
A/C.3/45/4	Letter dated 2 October 1990 from the representative of Afghanistan to the Secretary-General	
A/C.3/45/8	Letter dated 14 December 1990 from the representative of Bolivia to the Secretary-General	
A/C.3/45/L.38	Draft resolution	See A/45/764, para. 5
A/C.3/45/L.39	*Idem*	*Ibid.*, paras. 8 to 10
A/C.3/45/L.39/Rev.1	Revised draft resolution	*Ibid.*, paras. 8, 10, 11 and 38, draft resolution I
A/C.3/45/L.40	Draft resolution	*Ibid.*, paras. 13, 14 and 38, draft resolution II
A/C.3/45/L.41	*Idem*	*Ibid.*, paras. 16 and 38, draft resolution III
A/C.3/45/L.43	*Idem*	*Ibid.*, paras. 18 and 19
A/C.3/45/L.43/Rev.1	Revised draft resolution	*Ibid.*, paras. 20, 22, 23 and 38, draft resolution IV
A/C.3/45/L.44	Draft resolution	*Ibid.*, paras. 27, 28 and 38, draft resolution V
A/C.3/45/L.45	Amendments to document A/C.3/45/L.44	*Ibid.*, paras. 30 and 31
A/C.3/45/L.67	Programme budget implications of the draft resolution contained in document A/C.3/45/L.44: note by the Secretary-General	
A/C.3/45/L.68	Programme budget implications of the amendments contained in document A/C.3/45/L.45: note by the Secretary-General	
E/1990/24	Report of the Commission on Narcotic Drugs on its eleventh special session (29 January-2 February 1990)	See *Official Records of the Economic and Social Council, 1990, Supplement No. 4*
E/1990/39 and Corr.1 and 2 and Add.1	United Nations System-Wide Action Plan on Drug Abuse Control: report of the Secretary-General	
	Programme budget implications of draft resolution V submitted by the Third Committee in document A/45/764	
A/C.5/45/64	Note by the Secretary-General	
A/45/7/Add.11	Twelfth report of the Advisory Committee on Administrative and Budgetary Questions	See *Official Records of the General Assembly, Forty-fifth Session, Supplement No. 7*
A/45/893	Report of the Fifth Committee	See annex fascicle, agenda item 118

United Nations

GENERAL ASSEMBLY

Official Records

Agenda item 112

ANNEXES

FORTY-FIFTH SESSION

NEW YORK, 1990/1991

Agenda item 112: Activities of foreign economic and other interests which are impeding the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples in Territories under colonial domination and efforts to eliminate colonialism, *apartheid*, and racial discrimination in southern Africa*

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* For the records of the relevant meetings, see *Official Records of the General Assembly, Forty-fifth Session, Fourth Committee*, 2nd to 6th meetings, and corrigendum, and *ibid., Plenary Meetings*, 44th meeting. For the prior consideration of the question, see *Official Records of the General Assembly, Forty-fourth Session, Annexes*, agenda item 117.

DOCUMENT A/45/681

Report of the Fourth Committee

[*Original: English*]
[*15 November 1990*]

1. At its 3rd plenary meeting, on 21 September 1990, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its forty-fifth session, as item 112, and to allocate to the Fourth Committee for consideration and report the item entitled:

> "Activities of foreign economic and other interests which are impeding the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples in Territories under colonial domination and efforts to eliminate colonialism, *apartheid* and racial discrimination in southern Africa".

2. The Fourth Committee considered the item at its 2nd to 6th meetings, on 2, 8, 9, 11 and 12 October. An account of the Committee's discussions is contained in the relevant summary records (see A/C.4/45/SR.2-6).

3. At its 2nd meeting, the Committee, in accordance with established practice, considered, in conjunction with agenda item 112, the chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to military activities and arrangements by colonial Powers in territories under their administration which might be impeding the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (A/45/23 (Part IV), chap. VI).

4. At the same meeting, the Rapporteur of the Special Committee gave an account of the activities of the Special Committee during 1990 relating to the item and drew attention to chapter V of the report of the Special Committee (A/45/23 (Part IV)), as well as to other relevant documentation (A/AC.109/1020, 1024, 1028, 1032, 1034 and 1035). The Rapporteur of the Special Committee also gave an account of the Committee's consideration, in pursuance of paragraph 13 of General Assembly decision 44/425 of 11 December 1989, of the question of military activities and arrangements by colonial Powers in Territories under their administration which might be impeding the implementation of the Declaration and drew attention to chapter VI of the report of the Special Committee (A/45/23 (Part IV)), as well as to other relevant documentation (A/AC.109/1018, 1027 and 1030).

5. The general debate on the item took place at the 3rd to 6th meetings.

6. At its 3rd meeting, the Committee granted a request for hearing to Mr. J. A. González González (A/C.4/45/5). At the same meeting, Mr. González González made a statement.

7. At its 6th meeting, the Committee adopted the draft resolution contained in document A/45/23 (Part IV), chapter V, paragraph 11, by a recorded vote of 79 to 10, with 21 abstentions (see para. 9 below). The voting was as follows:[1]

In favour: Afghanistan, Albania, Algeria, Angola, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Byelorussian Soviet Socialist Republic, Cameroon, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Cuba, Cyprus, Ecuador, Egypt, Ethiopia, Fiji, Ghana, Guinea, Guinea-Bissau, Guyana, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Kenya, Kuwait, Lesotho, Libyan Arab Jamahiriya, Malaysia, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Niger, Nigeria, Oman, Pakistan, Papua New Guinea, Peru, Philippines, Saint Kitts and Nevis, Saudi Arabia, Singapore,

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[1] The delegations of Trinidad and Tobago and Qatar subsequently informed the Secretariat that they had intended to vote in favour of the draft resolution, and the delegations of Botswana and Turkey that they had intended to abstain.

Solomon Islands, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Thailand, Togo, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Yemen, Yugoslavia, Zimbabwe.

Against: Belgium, France, Germany, Israel, Italy, Luxembourg, Netherlands, Portugal, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Australia, Austria, Bulgaria, Canada, Czechoslovakia, Denmark, Finland, Greece, Hungary, Iceland, Ireland, Japan, Liechtenstein, New Zealand, Norway, Panama, Poland, Romania, Spain, Swaziland, Sweden.

Statements in explanation of vote were made by the representatives of Australia, Austria, Bulgaria, Czechoslovakia, Israel, Italy (on behalf of States members of the European Community), New Zealand, Papua New Guinea, Sweden (on behalf also of Denmark, Finland, Iceland and Norway), Uruguay and Vanuatu.

8. At the same meeting, the Committee adopted the draft decision contained in document A/45/23 (Part IV), chapter VI, paragraph 11, by a recorded vote of 77 to 12, with 22 abstentions (see para. 10 below). The voting was as follows:[2]

In favour: Afghanistan, Albania, Algeria, Angola, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Byelorussian Soviet Socialist Republic, Cameroon, Chile, China, Colombia, Comoros, Cuba, Cyprus, Ecuador, Egypt, Ethiopia, Fiji, Ghana, Guinea, Guinea-Bissau, Guyana, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Kenya, Kuwait, Lesotho, Libyan Arab Jamahiriya, Malaysia, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Saint Kitts and Nevis, Saudi Arabia, Singapore, Solomon Islands, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Thailand, Togo, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Yemen, Yugoslavia, Zimbabwe.

Against: Belgium, Canada, France, Germany, Israel, Italy, Japan, Luxembourg, Netherlands, Portugal, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Australia, Austria, Bulgaria, Central African Republic, Chad, Congo, Czechoslovakia, Denmark, Finland, Greece, Hungary, Iceland, Ireland, Liechtenstein, New Zealand, Norway, Poland, Romania, Spain, Swaziland, Sweden, Turkey.

Statements in explanation of vote were made by the representatives of Australia, Austria, Bulgaria, Czechoslovakia, Israel, Italy (on behalf of States members of the European Community), New Zealand, Papua New Guinea, Sweden (on behalf also of Denmark, Finland, Iceland and Norway), Uruguay and Vanuatu.

Recommendations of the Fourth Committee

9. The Fourth Committee recommends to the General Assembly the adoption of the following draft resolution:

Activities of foreign economic and other interests which are impeding the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples in Territories under colonial domination and efforts to eliminate colonialism, apartheid and racial discrimination in southern Africa

The General Assembly,

Having considered the item entitled "Activities of foreign economic and other interests which are impeding the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples in Territories under colonial domination and efforts to eliminate colonialism, *apartheid* and racial discrimination in southern Africa",

Having examined the chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to the item (A/45/23 (Part IV), chap. V),

Recalling its resolutions 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, and 1541 (XV) of 15 December 1960, and the Plan of Action for the Full Implementation of the Declaration, contained in the annex to its resolution 35/118 of 11 December 1980, as well as all its other relevant resolutions on this subject, including, in particular, resolution 44/84 of 11 December 1989,

Reaffirming the solemn obligation of the administering Powers under the Charter of the United Nations to promote the political, economic, social and educational advancement of the inhabitants of the Territories under their administration and to protect the human and natural resources of those Territories against abuses,

Reaffirming also that those economic and other activities which impede the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples and obstruct efforts aimed at the elimination of colonialism, *apartheid* and racial discrimination in southern Africa and other colonial Territories are in direct violation of the rights of the inhabitants and of the principles of the Charter and all relevant resolutions of the United Nations,

Reaffirming further that the natural resources of all Territories under colonial and racist domination are the heritage of the peoples of those Territories and that the depletive exploitation of those resources by foreign economic interests constitutes a direct violation of the rights of the peoples and of the principles of the Charter and all relevant resolutions of the United Nations,

Bearing in mind the relevant provisions of the final documents of the successive Conferences of Heads of State or Government of Non-Aligned Countries and of the resolutions adopted by the Assembly of Heads of State and Government of the Organization of African Unity,

Condemning the intensified activities of those foreign economic, financial and other interests that continue to exploit the natural and human resources of the colonial Territories and to accumulate and repatriate huge profits to the detriment of the interests of the inhabitants, thereby impeding the realization by the peoples of the Territories of their legitimate aspirations for self-determination and independence,

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[2] The delegations of Trinidad and Tobago and Qatar subsequently informed the Secretariat that they had intended to vote in favour of the draft decision, and the delegation of Botswana that it had intended to abstain.

Strongly condemning the collaboration by certain countries with the racist minority régime of South Africa in the nuclear field, which, by providing that régime with nuclear equipment and technology, enables it to develop nuclear and military capabilities and to become a nuclear Power, thereby strengthening its abhorrent system of *apartheid*,

Concerned about any foreign economic, financial and other activities which continue to deprive the indigenous populations of colonial Territories in the Caribbean, the Pacific Ocean and other regions of their rights over the wealth of their countries, and concerned that the inhabitants of those Territories continue to suffer from a loss of land ownership as a result of the failure of the administering Powers concerned to restrict the sale of land to foreigners, despite the repeated appeals of the General Assembly,

Conscious of the continuing need to mobilize world public opinion against the involvement of foreign economic, financial and other interests in the exploitation of natural and human resources, which impedes the independence of colonial Territories and the elimination of racism, particularly in South Africa, and emphasizing the importance of action by local authorities, trade unions, religious bodies, academic institutions, mass media, solidarity movements and other non-governmental organizations, as well as individuals, in applying pressure on transnational corporations to refrain from any investment or activity in South Africa, in encouraging a policy of systematic divestment of any financial or other interest in corporations doing business with South Africa and in counteracting all forms of collaboration with the *apartheid* régime,

1. *Reaffirms* the inalienable right of the peoples of dependent Territories to self-determination and independence and to the enjoyment of the natural resources of their Territories, as well as their right to dispose of those resources in their best interests;

2. *Reiterates* that any administering or occupying Power that deprives the colonial peoples of the exercise of their legitimate rights over their natural resources or subordinates the rights and interests of those peoples to foreign economic and financial interests violates the solemn obligations it has assumed under the Charter of the United Nations;

3. *Reaffirms* that, by their depletive exploitation of natural resources, the continued accumulation and repatriation of huge profits and the use of those profits for the enrichment of foreign settlers and the perpetuation of colonial domination and racial discrimination in the Territories, the activities of foreign economic, financial and other interests operating at present in the colonial Territories constitute a major obstacle to political independence and racial equality, as well as to the enjoyment of the natural resources of those Territories by the indigenous inhabitants;

4. *Condemns* those activities of foreign economic and other interests in the colonial Territories which are impeding the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples and the efforts to eliminate colonialism, *apartheid* and racial discrimination;

5. *Strongly condemns* the collaboration of the Governments of certain countries, in particular Israel, with the racist minority régime of South Africa in the nuclear field, and calls upon those and all other Governments concerned to refrain from supplying that régime, directly or indirectly, with installations, equipment or material that might enable it to produce uranium, plutonium and other nuclear materials, reactors or military equipment;

6. *Also strongly condemns* the collaboration with the racist minority régime of South Africa of certain countries as well as transnational corporations that continue to make new investments in South Africa and supply the régime with armaments, nuclear technology and all other materials that are likely to buttress it and thus aggravate the threat to world peace;

7. *Calls upon* all States to take urgent, effective measures to terminate all collaboration with the racist régime of South Africa in the political, economic, trade, military and nuclear fields and to refrain from entering into other relations with that régime in violation of the relevant resolutions of the United Nations and of the Organization of African Unity;

8. *Calls once again upon* all Governments that have not yet done so to take, in accordance with the relevant provisions of its resolution 2621 (XXV) of 12 October 1970, legislative, administrative or other measures in respect of their nationals and the bodies corporate under their jurisdiction that own and operate enterprises in colonial Territories that are detrimental to the interests of the inhabitants of those Territories, in order to put an end to such enterprises and to prevent new investments that run counter to the interests of the inhabitants of those Territories;

9. *Calls upon* those oil-producing and oil-exporting countries that have not yet done so to take effective measures against the oil companies concerned so as to terminate the supply of crude oil and petroleum products to the racist régime of South Africa;

10. *Reiterates* that the exploitation and plundering of the marine and other natural resources of colonial Territories by foreign economic interests, including the activities of those transnational corporations which are engaged in the exploitation and export of the natural resources of the Territories, in violation of the relevant resolutions of the General Assembly and the Security Council, are illegal and are a grave threat to the integrity and prosperity of those Territories;

11. *Reiterates its request* to all States, pending the imposition of comprehensive mandatory sanctions against South Africa, to take legislative, administrative and other measures, individually or collectively, as appropriate, in order effectively to isolate South Africa politically, economically, militarily and culturally, in accordance with the relevant resolutions of the General Assembly, and encourages those Governments that have recently taken certain unilateral sanction measures against the South African régime to take further measures;

12. *Invites* all Governments and organizations of the United Nations system, having regard to the relevant provisions of the Declaration on the Establishment of a New International Economic Order, contained in General Assembly resolution 3201 (S-VI) of 1 May 1974, and of the Charter of Economic Rights and Duties of States, contained in Assembly resolution 3281 (XXIX) of 12 December 1974, to ensure, in particular, that the permanent sovereignty of the colonial Territories over their natural resources is fully respected and safeguarded;

13. *Urges* the administering Powers concerned to take effective measures to safeguard and guarantee the inalienable right of the peoples of the colonial Territories to their natural resources, as well as their right to establish and maintain control over the future development of those natural resources, and requests the administering Powers to take all necessary steps to protect the property rights of the peoples of those Territories;

14. *Calls upon* the administering Powers concerned to abolish all discriminatory and unjust wage systems and working conditions prevailing in the Territories under their administration and to apply in each Territory a uniform system of wages to all the inhabitants without any discrimination;

15. *Requests* the Secretary-General to undertake, through the Department of Public Information of the Secretariat, a sustained and broad campaign with a view to informing world public opinion of the facts concerning the pillage of natural resources in colonial Territories and the exploitation of their indigenous populations by foreign economic interests;

16. *Appeals* to mass media, trade unions and non-governmental organizations, as well as individuals, to co-ordinate and intensify their efforts to mobilize international public opinion against the policy of the *apartheid* régime of South Africa and to work for the enforcement of economic and other sanctions against that régime and for encouraging a policy of systematic and genuine divestment from corporations doing business in South Africa;

17. *Decides* to continue to monitor closely the situation in the remaining colonial Territories so as to ensure that all economic activities in those Territories are aimed at strengthening and diversifying their economies in the interests of the indigenous peoples, at promoting the economic and financial viability of those Territories and at speeding their accession to independence, and in that connection requests the administering Powers concerned to ensure that the peoples of the Territories under their administration are not exploited for political, military and other purposes detrimental to their interests;

18. *Requests* the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to continue to examine this question and to report thereon to the General Assembly at its forty-sixth session.

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10. The Fourth Committee also recommends to the General Assembly the adoption of the following draft decision:

MILITARY ACTIVITIES AND ARRANGEMENTS BY COLONIAL POWERS IN TERRITORIES UNDER THEIR ADMINISTRATION WHICH MIGHT BE IMPEDING THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

1. The General Assembly, having considered the chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to an item on the agenda of the Special Committee entitled "Military activities and arrangements by colonial Powers in Territories under their administration which might be impeding the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples" (A/45/23 (Part IV), chap VI) and recalling its resolution 1514 (XV) of 14 December 1960 and all other resolutions and decisions of the United Nations relating to military activities in Non-Self-Governing Territories, and conscious that military bases and installations in the Territories concerned could constitute an obstacle to the exercise by the people of those Territories of their right to self-determination, reiterates its strong views that existing bases and installations, which are impeding the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, should be withdrawn and that no further entrenchment should be condoned.

2. In recalling its resolution 1514 (XV) and all other resolutions and decisions of the United Nations relating to military bases and installations in colonial and Non-Self-Governing Territories, the General Assembly reaffirms its strong conviction that the presence of military bases and installations in the colonial and Non-Self-Governing Territories could constitute a major obstacle to the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples and that it is the responsibility of the administering Powers to ensure that the existence of such bases and installations does not hinder the populations of the Territories from exercising their right to self-determination and independence in conformity with the purposes and principles of the Charter of the United Nations and the Declaration. Furthermore, aware of the presence of military bases and installations of the administering Powers concerned and other countries in those Territories, the Assembly urges the administering Powers concerned to continue to take all necessary measures not to involve those Territories in any offensive acts or interference against other States and to comply fully with the purposes and principles of the Charter, the Declaration and the resolutions and decisions of the United Nations relating to military activities and arrangements by colonial Powers in Territories under their administration.

3. The General Assembly reiterates its condemnation of all military activities and arrangements by colonial Powers in Territories under their administration that are detrimental to the rights and interests of the colonial peoples concerned, especially their right to self-determination and independence. The Assembly once again calls upon the colonial Powers concerned to terminate unconditionally such activities and to eliminate such military bases in compliance with the relevant resolutions of the Assembly, in particular with paragraph 9 of the Plan of Action for the Full Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in the annex to Assembly resolution 35/118 of 11 December 1980.

4. The General Assembly reiterates that the colonial Territories and areas adjacent thereto should not be used for nuclear testing, dumping of nuclear wastes or deployment of nuclear and other weapons of mass destruction.

5. The General Assembly notes with serious concern that, in southern Africa in general, a critical situation continues to prevail as a result of South Africa's inhuman repression of the people of South Africa. The Assembly declares that the policy of *apartheid* and destabilization not

only undermines the peace and stability of the southern African region but also constitutes a threat to international peace and security.

6. The General Assembly condemns the continued military, nuclear and intelligence collaboration between South Africa and certain countries, which constitutes a violation of the arms embargo imposed against South Africa by the Security Council in its resolution 418 (1977) of 4 November 1977 and poses a threat to international peace and security. The Assembly urges the Council to consider, as a matter of urgency, the report of the Committee established under its resolution 421 (1977) of 9 December 1977[3] and adopt further measures to widen the scope of its resolution 418 (1977) in order to make it more effective and comprehensive. The Assembly also calls for the scrupulous observance of Council resolution 558 (1984) of 13 December 1984 enjoining all States to refrain from importing armaments from South Africa. The Assembly is particularly mindful in that regard of a series of resolutions adopted by the Security Council,[4] the General Assembly, the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples and the Special Committee against *Apartheid*, as well as the Movement of Non-Aligned Countries, the Organization of African Unity, the Commonwealth and a number of intergovernmental and regional organizations.

7. The General Assembly considers that the acquisition of nuclear-weapon capability by the racist régime of South Africa, with its infamous record of violence and aggression, constitutes a further effort on its part to terrorize and intimidate independent States in the region into submission while also posing a threat to all mankind. The Assembly condemns the continuing support to the racist régime of South Africa in the military and nuclear fields. In this context, the Assembly expresses its concern at the grave consequences for international peace and security of the collaboration between the racist régime of South Africa and certain Western Powers, Israel and other countries in the military and nuclear fields. It calls upon the States concerned to end all such collaboration and, in particular, to halt the supply to South Africa of equipment, technology, nuclear materials and related training, which increases its nuclear capability.

8. The General Assembly strongly condemns the continuing collaboration of certain countries with the racist régime in the military and nuclear fields and expresses its conviction that such collaboration is in contravention of the arms embargo imposed against South Africa under Security Council resolution 418 (1977) and undermines international solidarity against the *apartheid* régime. The Assembly thus calls for the termination forthwith of all such collaboration.

9. The General Assembly urges all Governments, the specialized agencies and other intergovernmental organizations to provide increased material assistance to the thousands of refugees who have been forced by the *apartheid* régime's oppressive policies in South Africa to flee into the neighbouring States and for the purpose of resettlement of those who are returning.

10. The General Assembly deprecates the continued alienation of land in colonial Territories for military installations. The large-scale utilization of local economic and manpower resources for this purpose diverts resources that could be more beneficially utilized in promoting the economic development of the Territories concerned and is thus contrary to the interests of their populations.

11. The General Assembly requests the Secretary-General to continue, through the Department of Public Information of the Secretariat, an intensified campaign of publicity with a view to informing world public opinion of the facts concerning the military activities and arrangements in colonial Territories which are impeding the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in Assembly resolution 1514 (XV).

12. The General Assembly requests the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to continue to examine this question and to report thereon to the Assembly at its forty-sixth session.

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[3] *Official Records of the Security Council, Thirty-fifth Year, Supplement for July, August and September 1980*, document S/14179.

[4] Security Council resolutions 567 (1985) of 20 June 1985, 568 (1985) of 21 June 1985, 571 (1985) of 20 September 1985, 574 (1985) of 7 October 1985, 577 (1985) of 6 December 1985, 580 (1985) of 30 December 1985, 581 (1986) of 13 February 1986, 602 (1987) of 25 November 1987 and 606 (1987) of 23 December 1987.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 44th plenary meeting, on 20 November 1990, the General Assembly took action on the draft resolution and the draft decision submitted by the Fourth Committee in its report (A/45/681, paras. 9 and 10). The draft resolution was adopted by 113 votes to 11, with 24 abstentions,* and the draft decision was adopted by 115 votes to 11, with 22 abstentions.* For the final texts, see resolution 45/17 and decision 45/406.[5]

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* Recorded vote.

[5] See *Official Records of the General Assembly, Forty-fifth Session, Supplement No. 49*.

LIST OF OTHER DOCUMENTS PERTAINING TO THE ITEM

Symbol	*Title or description*	*Observations and references*
A/45/23 (Part IV) chaps. V and VI	Report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples	*Official Records of the General Assembly, Forty-fifth Session, Supplement No. 23*, chaps. V and VI
A/C.4/45/5	Request for hearing	
A/AC.109/1018	Guam: working paper prepared by the Secretariat	
A/AC.109/1020	Cayman Islands: working paper prepared by the Secretariat	
A/AC.109/1024	Turks and Caicos Islands: working paper prepared by the Secretariat	
A/AC.109/1027	Bermuda: working paper prepared by the Secretariat	
A/AC.109/1028	*Idem*	
A/AC.109/1030	United States Virgin Islands: working paper prepared by the Secretariat	
A/AC.109/1032	Montserrat: working paper prepared by the Secretariat	
A/AC.109/1034	United States Virgin Islands: working paper prepared by the Secretariat	
A/AC.109/1035	Anguilla: working paper prepared by the Secretariat	

United Nations

GENERAL ASSEMBLY

Official Records

Agenda item 116

ANNEXES

FORTY-FIFTH SESSION

NEW YORK, 1990/1991

Agenda item 116: Financial reports and audited financial statements, and reports of the Board of Auditors:*

- **(*a*) United Nations;**
- **(*b*) United Nations Development Programme;**
- **(*c*) United Nations Children's Fund;**
- **(*d*) United Nations Relief and Works Agency for Palestine Refugees in the Near East;**
- **(*e*) United Nations Institute for Training and Research;**
- **(*f*) Voluntary funds administered by the United Nations High Commissioner for Refugees;**
- **(*g*) Fund of the United Nations Environment Programme;**
- **(*h*) United Nations Population Fund;**
- **(*i*) United Nations Habitat and Human Settlements Foundation**

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List of other documents pertaining to the item 4

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* For the records of the relevant meetings, see *Official Records of the General Assembly, Forty-fifth Session, Fifth Committee*, 4th, 7th to 11th and 30th meetings, and corrigendum; and *ibid., Plenary Meetings*, 72nd meeting. For the prior consideration of the question, see *Official Records of the General Assembly, Forty-fourth Session, Annexes*, agenda item 121.

DOCUMENT A/45/729

Report of the Fifth Committee

[*Original: Arabic*]
[*28 November 1990*]

1. At its 3rd plenary meeting, on 21 September 1990, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its forty-fifth session, as item 116, the item entitled:

> "Financial reports and audited financial statements, and reports of the Board of Auditors:
>
> "(*a*) United Nations;
>
> "(*b*) United Nations Development Programme;
>
> "(*c*) United Nations Children's Fund;
>
> "(*d*) United Nations Relief and Works Agency for Palestine Refugees in the Near East;
>
> "(*e*) United Nations Institute for Training and Research;
>
> "(*f*) Voluntary funds administered by the United Nations High Commissioner for Refugees;
>
> "(*g*) Fund of the United Nations Environment Programme;
>
> "(*h*) United Nations Population Fund;
>
> "(*i*) United Nations Habitat and Human Settlements Foundation",

and to allocate it to the Fifth Committee for consideration and report.

2. At its 4th, 7th to 11th and 30th meetings, between 8 October and 16 November 1990, the Fifth Committee considered the financial reports and audited financial statements for the period ended 31 December 1989 concerning the United Nations, including the International Trade Centre and the United Nations University (A/45/5, Vol. I and Corr.1 and 2, sects. I and V; vol. II, sects. I and V; and vol. III, sects. I and V), the United Nations Development Programme (A/45/5/Add.1, sects. I and V), the United Nations Children's Fund (A/45/5/Add.2 and Corr.1, sects. I and IV), the United Nations Relief and Works Agency for Palestine Refugees in the Near East (A/45/5/Add.3, sects. I and V), the United Nations Institute for Training and Research (A/45/5/Add.4, sects. I and V), the voluntary funds administered by the United Nations High Commissioner for Refugees (A/45/5/Add.5, sect. III), the Fund of the United Nations Environment Programme (A/45/5/Add.6 and Corr.1, sects. I and IV), the United Nations Population Fund (A/45/5/Add.7, sects. I and V) and the United Nations Habitat and Human Settlements Foundation (A/45/5/Add.8 and Corr.1, sects. I and IV), as well as the reports and audit opinions of the Board of Auditors (A/45/5, vol. I and Corr.1 and 2, sects. II and III; vol. II, sects. II and III; and vol. III, sects. II and III; A/45/5/Add.1, sects. II and III; A/45/5/Add.2 and Corr.1, sects. II and III; A/45/5/Add.3, sects. II and III; A/45/5/Add.4, sects. II and III; A/45/5/Add.5, sects. I and II; A/45/5/Add.6 and Corr.1, sects. II and III; A/45/5/Add.7, sects. II and III; and A/45/5/

Add.8 and Corr.1, sects. II and III) and the related report of the Advisory Committee on Administrative and Budgetary Questions (A/45/570 and Corr.1).

3. The Committee also had before it a note by the Secretary-General transmitting a concise summary of the principal findings, conclusions and recommendations for remedial action of the Board of Auditors (A/45/457), a report of the Secretary-General on the implementation of the recommendations of the Board of Auditors and of the Advisory Committee on Administrative and Budgetary Questions (A/45/509), as well as a report of the Secretary-General on the general accounting framework for financial statements (A/45/537).

4. The comments and observations made in the course of the discussion of the item and the replies to queries raised are reflected in the summary records of the meetings (A/C.5/45/SR.4, 7 to 11, and 30).

5. At the 30th meeting, on 16 November, Mr. Koulyk (Ukrainian Soviet Socialist Republic), Vice-Chairman of the Committee, introduced a draft resolution (A/C.5/45/L.5) following informal consultations.

6. At the same meeting, the Committee adopted draft resolution A/C.5/45/L.5 without a vote (see para. 7 below).

Recommendation of the Fifth Committee

7. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolution:

FINANCIAL REPORTS AND AUDITED FINANCIAL STATEMENTS, AND REPORTS OF THE BOARD OF AUDITORS

The General Assembly,

Having considered the financial reports and audited financial statements for the period ended 31 December 1989 of the United Nations, including the International Trade Centre and the United Nations University (A/45/5, vol. I and Corr.1 and 2, sects. I and V; vol. II, sects. I and V; and Vol. III, sects. I and V), the United Nations Development Programme (A/45/5/Add.1, sects. I and V), the United Nations Children's Fund (A/45/5/Add.2 and Corr.1, sects. I and IV), the United Nations Relief and Works Agency for Palestine Refugees in the Near East (A/45/5/Add.3, sects. I and V), the United Nations Institute for Training and Research (A/45/5/Add.4, sects. I and V), the voluntary funds administered by the United Nations High Commissioner for Refugees (A/45/5/Add.5, sect. III), the Fund of the United Nations Environment Programme (A/45/5/Add.6 and Corr.1, sects. I and IV), the United Nations Population Fund (A/45/5/Add.7, sects. I and V) and the United Nations Habitat and Human Settlements Foundation (A/45/5/Add.8 and Corr.1, sects. I and IV), the reports and audit opinions of the Board of Auditors (A/45/5, vol. I and Corr.1 and 2, sects. II and III; vol. II, sects. II and III; and vol. III, sects. II and III; A/45/5/Add.1, sects. II and III; A/45/5/Add.2 and Corr.1, sects. II and III; A/45/5/Add.3, sects. II and III; A/45/5/Add.4, sects. II and III; A/45/5/Add.5, sects. I and II; A/45/5/Add.6 and Corr.1, sects. II and III; A/45/5/Add.7, sects. II and III; and A/45/5/Add.8 and Corr.1, sects. II and III), the concise summary of the principal findings, conclusions and recommendations for remedial action of the Board of Auditors (see A/45/457, annex), and the report of the Advisory Committee on Administrative and Budgetary Questions (A/45/570 and Corr.1),

Recognizing the progress made in the implementation of General Assembly resolution 44/183 of 19 December 1989,

Noting with appreciation the steps taken by executive heads and governing bodies of the United Nations organizations and programmes to give appropriate consideration and attention to the audit reports,

Taking into consideration the views expressed by delegations, by the Board of Auditors, by the Advisory Committee and by representatives of the United Nations organizations and programmes during the debate in the Fifth Committee on this item (see A/C.5/45/SR.4, 7-11, and 30, and corrigendum), and the widely expressed support for measures to improve the efficiency, management, financial accountability and budgetary control of the United Nations organizations and programmes concerned,

Noting with concern that the Board of Auditors, for the reasons stated in its reports, issued qualified audit opinions on the financial statements of the United Nations, the United Nations Development Programme and the United Nations Population Fund, and also issued a qualified audit opinion on compliance with the financial regulations and legislative authority on the transactions of the United Nations Institute for Training and Research,

Noting the efforts by a number of United Nations organizations and programmes to improve the format of financial statements and the accounting policies followed,

1. *Accepts* the financial reports and audited financial statements and the audit opinions and reports of the Board of Auditors regarding the aforementioned organizations;

2. *Requests* the governing bodies of the United Nations Development Programme and the United Nations Population Fund to require the executive heads concerned:

(*a*) To intensify their efforts to correct or improve the conditions that gave rise to the qualification of audit opinions of the Board of Auditors;

(*b*) To issue and implement comprehensive and specific guidelines in order to delineate appropriately programme expenditure, programme support and administrative expenditures;

3. *Takes note* of the recommendation contained in paragraph 52 of the report of the Advisory Committee on Administrative and Budgetary Questions (A/45/570 and Corr.1), and requests the United Nations Children's Fund and all relevant parties, in considering the implementation of the recommendation, to take fully into account the divergent views expressed by Member States in the Fifth Committee in this regard;

4. *Endorses* all other recommendations and observations of the Advisory Committee and approves all of the recommendations and observations of the Board of Auditors subject to the provisions of the present resolution, taking into account the views expressed by Member States in the Fifth Committee;

5. *Requests* the Panel of External Auditors to submit to the General Assembly at its forty-sixth session, through the Administrative Committee on Co-ordination and the Advisory Committee, an interim study on concrete issues to be resolved through the development of appropriate accounting principles and standards for consistent application in the United Nations system, taking into account the feasibility and benefits of such principles, as well as the major problems to be addressed in this regard;

6. *Approves* the changes in the financial procedures of the United Nations Development Programme, as recommended by the Governing Council of the Programme in its decision 90/49,[1] and the United Nations Population Fund, as recommended by the Governing Council of the Programme in its decision 90/36;[1]

7. *Decides* that the reporting procedures, including those regarding substantive and management issues, that apply to United Nations organizations and programmes audited on a biennial basis shall also apply to the United Nations Children's Fund;

8. *Invites* the Board of Auditors to issue a special report for United Nations organizations audited on a biennial basis for the first year of each biennium through the Advisory Committee, if in the opinion of the Board there are matters that need to be brought to the attention of the governing bodies and/or the General Assembly;

9. *Requests* the Secretary-General to include in the proposed programme budget for the biennium 1992-1993 resources for the Board of Auditors corresponding to its work-load and adequate to carry out its functions in accordance with the financial regulations, taking into account all relevant decisions of the General Assembly, including those relating to revised reporting procedures approved for the United Nations Development Programme, the United Nations Population Fund and the United Nations Children's Fund;

10. *Expresses its concern* with regard to the findings of the Board of Auditors that procurement procedures are not being fully complied with, requests the administrations involved to take immediate action to correct this problem, and invites the Advisory Committee to monitor the action taken;

11. *Welcomes* the intention of the Secretary-General to renegotiate the existing arrangements for common and joint services at the Vienna International Centre and requests the governing bodies and the executive heads of the United Nations Industrial Development Organization and the International Atomic Energy Agency to co-operate fully with him in this process;

12. *Requests* the Secretary-General to discuss with the executive heads of the United Nations Industrial Development Organization and the International Atomic Energy Agency the problem of compensation for the excessive costs charged by these organizations to the United Nations Office at Vienna for the majority of existing joint and common services at the Vienna International Centre;

13. *Requests* the Secretary-General and the executive heads of United Nations organizations and programmes:

(*a*) To submit to their respective governing bodies, as well as to the General Assembly at its forty-sixth session, detailed progress reports on steps taken to implement previous recommendations of the Board of Auditors and the related recommendations of the Advisory Committee and to explain if any of those recommendations have not yet been implemented, and requests the Board and the Advisory Committee to evaluate the efficacy of those measures, and to report thereon to the Assembly at its forty-sixth session;

(*b*) To consider, in consultation with the Board of Auditors and the Advisory Committee, effective measures to facilitate reporting by staff members on a confidential basis of any inappropriate use of the resources of a United Nations organization or programme, and to report to the General Assembly at its forty-sixth session in this regard;

(*c*) To implement stringent inventory controls on non-expendable property and to report on measures taken in this regard to the General Assembly at its forty-sixth session;

(*d*) To institute without delay more effective control on the payment of all allowances and benefits to staff members and to report on measures taken in this regard to the General Assembly at its forty-sixth session;

14. *Reaffirms* the importance of strict compliance with financial regulations and rules on the subject of unliquidated obligations, and requests the Secretary-General, in the light of his experience in implementing the new budget process and in the context of the recommendations of the Board of Auditors, to analyse outstanding issues on this subject and to submit a thorough report to the General Assembly at its forty-sixth session;

15. *Expresses its appreciation* to the Secretary-General for the steps taken to eliminate abuses in the payment of income tax reimbursements, and requests him to continue efforts to recover outstanding excess income tax reimbursements;

16. *Urges* the executive heads of other organizations and programmes to investigate possible abuses in the payment of income tax reimbursements to their staff members and to report on efforts taken in this regard to the General Assembly at its forty-sixth session;

17. *Requests* the Board of Auditors to ensure regular audit coverage of all extrabudgetary expenditures, including the various trust funds managed by the Secretary-General or the executive heads of United Nations organizations and programmes;

18. *Requests* the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East to report to the General Assembly at its forty-sixth session on the measures taken by the Agency to rectify the shortcomings identified by the audit of the Area Staff Provident Fund;

19. *Invites* the governing bodies of organizations and programmes for which audited financial statements have been considered by the General Assembly to ensure that full consideration is given to the reports of the Board of Auditors and the Advisory Committee and the comments made thereon in the Fifth Committee with a view to taking appropriate remedial measures;

20. *Requests* the executive heads of the United Nations organizations and programmes to ensure that expenditures do not exceed the level of funds provided under allotments, in accordance with the financial rules, and to enforce existing disciplinary measures with a view to enhancing accountability and budgetary discipline;

21. *Requests* the Board of Auditors and the Advisory Committee to continue to cover, in their review of organizations and programmes, including peace-keeping operations, the areas relating to the efficiency and effectiveness of

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[1] See *Official Records of the Economic and Social Council, 1990, Supplement No. 9* (E/1990/29), annex I.

the financial procedures and controls, the accounting system and related administrative and management aspects in accordance with regulation 12.5 of the Financial Regulations of the United Nations and to recommend measures, as appropriate, to strengthen financial and management controls and to standardize the financial reporting of the organizations;

22. *Recommends* that all future reports of the Board of Auditors continue to include separate sections that contain a summary of recommendations for corrective action to be taken by the United Nations organizations and programmes concerned, with an indication of relative urgency and a timetable for remedial action;

23. *Encourages* the Board of Auditors to carry out its audits in a comprehensive manner in response to paragraph 13 of General Assembly resolution 44/183;

24. *Welcomes* the review of the Board of Auditors of the liquidity positions of United Nations organizations, and requests the Board to conduct a further review, bearing in mind that the information should be presented in a standardized format;

25. *Recommends* that the Board of Auditors continue to submit to the General Assembly a concise document summarizing its principal findings, conclusions and recommendations of common interest, classified by audit area and, where appropriate, identifying the audited organization.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 72nd plenary meeting, on 21 December 1990, the General Assembly adopted the draft resolution submitted by the Fifth Committee in its report (A/45/729, para. 7). For the final text, see resolution 45/235.[2]

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[2] See *Official Records of the General Assembly, Forty-fifth Session, Supplement No. 49.*

LIST OF OTHER DOCUMENTS PERTAINING TO THE ITEM

Symbol	*Title or description*	*Observations and references*
A/45/5, vol. I and Corr.1 and 2, and vols. II and III	United Nations: financial report and audited financial statements for the biennium ended 31 December 1989 and report of the Board of Auditors	*Official Records of the General Assembly, Forty-fifth Session, Supplement No. 5*, vol. I and corrigenda, and vols. II and III
A/45/5/Add.1	United Nations Development Programme: financial report and audited financial statements for the year ended 31 December 1989 and report of the Board of Auditors	*Ibid., Supplement No. 5A*
A/45/5/Add.2 and Corr.1	United Nations Children's Fund: financial report and audited financial statements for the biennium ended 31 December 1989 and report of the Board of Auditors	*Ibid., Supplement No. 5B* and corrigendum
A/45/5/Add.3	United Nations Relief and Works Agency for Palestine Refugees in the Near East: financial report and audited financial statements for the year ended 31 December 1989 and report of the Board of Auditors	*Ibid., Supplement No. 5C*
A/45/5/Add.4	United Nations Institute for Training and Research: financial report and audited financial statements for the year ended 31 December 1989 and report of the Board of Auditors	*Ibid., Supplement No. 5D*
A/45/5/Add.5	Voluntary funds administered by the United Nations High Commissioner for Refugees: audited financial statements for the year ended 31 December 1989 and report of the Board of Auditors	*Ibid., Supplement No. 5E*
A/45/5/Add.6 and Corr.1	Fund of the United Nations Environment Programme: financial report and audited financial statements for the biennium ended 31 December 1989 and report of the Board of Auditors	*Ibid., Supplement No. 5F* and corrigendum
A/45/5/Add.7	United Nations Population Fund: financial report and audited financial statements for the year ended 31 December 1989 and report of the Board of Auditors	*Ibid., Supplement No. 5G*
A/45/5/Add.8 and Corr.1	United Nations Habitat and Human Settlements Foundation: financial report and audited financial statements for the biennium ended 31 December 1989 and report of the Board of Auditors	*Ibid., Supplement No. 5H* and corrigendum
A/45/457	Note by the Secretary-General transmitting a concise summary of the principal findings, conclusions and recommendations for remedial action of the Board of Auditors contained in its reports to the General Assembly on the audit of the accounts for the financial period ended 31 December 1989	
A/45/509	Report of the Secretary-General on the implementation of the recommendations of the Board of Auditors and of the Advisory Committee on Administrative and Budgetary Questions	
A/45/537	Report of the Secretary-General on the general accounting framework for financial statements	
A/45/570 and Corr.1	Report of the Advisory Committee on Administrative and Budgetary Questions	
A/C.5/45/L.5	Draft resolution	See A/45/729, paras. 5 and 7

United Nations

GENERAL ASSEMBLY

Official Records

Agenda item 117

ANNEXES

FORTY-FIFTH SESSION

NEW YORK, 1990/1991

Agenda item 117: Review of the efficiency of the administrative and financial functioning of the United Nations*

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* For the records of the relevant meetings, see *Official Records of the General Assembly, Forty-fifth Session, Fifth Committee*, 12th, 14th, 16th to 21st, 23rd, 26th, 35th, 46th, 49th and 51st meetings, and corrigendum; and *ibid., Plenary Meetings*, 67th, 70th, 72nd, 73rd, 75th and 82nd meetings. For the prior consideration of the question, see *Official Records of the General Assembly, Forty-fourth Session, Annexes*, agenda item 38.

DOCUMENT A/45/L.34/REV.1

Bolivia: revised draft resolution

[*Original: English*]
[*13 December 1990*]

RESTRUCTURING AND REVITALIZATION OF THE UNITED NATIONS IN THE ECONOMIC AND SOCIAL FIELDS

The General Assembly,

Recalling its resolutions 32/197 of 20 December 1977, 41/213 of 19 December 1986, 42/170 of 11 December 1987, 43/174 of 9 December 1988, 43/213 of 21 December 1988, 44/103 of 11 December 1989 and decision 43/432 of 20 December 1988,

Recalling also Economic and Social Council resolutions 1988/77 of 29 July 1988, 1989/114 of 28 July 1989 and 1990/69 of 27 July 1990 and decision 1990/205 of 9 February 1990 on the revitalization of the Council,

Emphasizing the need to strengthen further the role and effectiveness of the United Nations through enhanced multilateral co-operation in the economic, social and related fields,

Emphasizing also the need for more effective and efficient functioning of the intergovernmental machinery of the United Nations and its secretariat support structures in the economic, social and related fields in order to enhance international economic co-operation and to promote the development of the developing countries,

Recalling the report of the Special Commission of the Economic and Social Council on the In-depth Study of the United Nations Intergovernmental Structure and Functions in the Economic and Social Fields,[1]

1. *Endorses* Economic and Social Council resolution 1990/69 on the revitalization of the Council, in which the Council gave a mandate to its President to undertake broad consultations with Member States;

2. *Takes note* of the report of the Secretary-General on the United Nations intergovernmental structure and functions in the economic and social fields (A/45/714);

3. *Stresses* the need for more effective and efficient functioning of the intergovernmental machinery of the United Nations system in the economic, social and related fields in order to be more responsive to the needs of enhancing international economic co-operation and promoting the development of the developing countries;

4. *Decides* to reconvene, in a resumed session for a duration of one week in the second half of April 1991, for an in-depth consideration and negotiations of proposals for the restructuring and revitalization of the United Nations in the economic and social fields.

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[1] E/1988/75.

DOCUMENT A/45/899

Report of the Fifth Committee

[*Original: Arabic*]
[*20 December 1990*]

1. At its 3rd plenary meeting, on 21 September 1990, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its forty-fifth session, as item 117, the item entitled "Review of the

efficiency of the administrative and financial functioning of the United Nations", and to allocate it to the Fifth Committee for consideration and report.

2. The Fifth Committee considered agenda item 117 in conjunction with agenda item 119 (Programme planning), at its 12th, 19th and 23rd meetings, between 19 October and 6 November 1990. The Committee considered item 117 separately at its 14th, 16th to 18th, 20th, 21st, 26th, 35th, 46th, 49th and 51st meetings, between 23 October and 20 December 1990. Comments and observations made in the course of the Committee's consideration of item 117 are reflected in the summary records of the meetings (A/C.5/45/SR.12, 14, 16-21, 23, 26, 35, 46, 49 and 51).

3. For its consideration of the item, the Committee had before it the following documents:

(*a*) Analytical report of the Secretary-General on the implementation of General Assembly resolution 41/213 (A/45/226) and the related report of the Advisory Committee on Administrative and Budgetary Questions (A/45/617);

(*b*) Report of the Secretary-General on the proposed programme budget outline for the biennium 1992-1993 (A/45/369) and the related report of the Advisory Committee on Administrative and Budgetary Questions (A/45/878);

(*c*) Report of the Secretary-General entitled "Compendium of mandates of subsidiary administrative and budgetary bodies of the General Assembly" (A/45/370);

(*d*) Report of the Secretary-General on the status of technological innovations in the United Nations (A/45/478);

(*e*) Report of the Committee for Programme and Co-ordination (A/45/16 (Part I) and Add.1 and (Part II)).

Consideration of proposals

A. *Draft resolutions A to C contained in document A/C.5/45/L.20*

4. At the 51st meeting, on 20 December, Ms. Mustonen (Finland), Vice-Chairman of the Committee, following informal consultations, introduced three draft resolutions, A to C (A/C.5/45/L.20), under the general title "Review of the efficiency of the administrative and financial functioning of the United Nations."

5. At the same meeting, the Committee adopted draft resolutions A to C without objection (see para. 10 below, draft resolution I).

6. Statements in explanation of position were made by the representatives of Venezuela, Cuba, Japan and Colombia.

B. *Draft resolution A/C.5/45/L.26*

7. At the 51st meeting, the representative of Cuba, following informal consultations, introduced a draft resolution (A/C.5/45/L.26), entitled "Proposed programme budget outline for the biennium 1992-1993".

8. At the same meeting, the Committee adopted draft resolution A/C.5/45/L.26 without objection (see para. 10 below, draft resolution II).

9. A statement in explanation of position was made by the representative of the United Kingdom of Great Britain and Northern Ireland.

Recommendation of the Fifth Committee

10. The Fifth Committee recommends to the General Assembly the adoption of draft resolutions I, A to C, and II below:

Draft resolution I

REVIEW OF THE EFFICIENCY OF THE ADMINISTRATIVE AND FINANCIAL FUNCTIONING OF THE UNITED NATIONS

A

The General Assembly,

Recalling its resolution 41/213 of 19 December 1986 on the review of the efficiency of the administrative and financial functioning of the United Nations and its resolutions 42/211 of 21 December 1987, 43/213 of 21 December 1988 and 44/200 of 21 December 1989 on the implementation of General Assembly resolution 41/213,

Reaffirming that measures to improve the efficiency of the administrative and financial functioning of the United Nations and to improve the planning, programming and budgeting process should aim at and contribute to strengthening the effectiveness of the Organization in dealing with political, economic and social issues in order better to achieve the purposes of and respect for the principles set out in the Charter of the United Nations,

Having considered the reports of the Secretary-General (A/45/226 and A/45/370), the report of the Committee for Programme and Co-ordination (A/45/16 (Part I)) and the report of the Advisory Committee on Administrative and Budgetary Questions (A/45/617),

Recognizing that the reform measures undertaken so far in accordance with resolution 41/213 have contributed to improving the efficiency of the Organization in certain areas,

Recognizing also that the involvement of Member States in the new planning, programming and budgeting process has facilitated a broader agreement of Member States on the programme budget of the United Nations,

Noting that, while having somewhat improved, the financial situation of the Organization remains uncertain,

1. *Takes note with appreciation* of the analytical report of the Secretary-General on the implementation of General Assembly resolution 41/213 (A/45/226);

2. *Endorses* the relevant conclusions and recommendations of the Committee for Programme and Co-ordination and of the Advisory Committee on Administrative and Budgetary Questions;

3. *Renews its appeal* to all Member States to demonstrate their commitment to the United Nations by, *inter alia*, meeting their financial obligations on time and in full in accordance with the Charter of the United Nations and the Financial Regulations of the United Nations;

4. *Emphasizes* that the strengthening of the effectiveness of the Organization is a continuing process requiring the joint efforts of Member States and the Secretariat;

5. *Stresses* that measures for the improvement of the effectiveness of the Organization should aim at the fulfilment of all its objectives;

6. *Reiterates* its support for the Secretary-General in the fulfilment of his responsibility as chief administrative officer;

7. *Recognizes* the importance of the new budget process for the enhancement of the effectiveness of the Organization;

8. *Encourages* the Secretary-General and Member States to pursue the objectives of resolution 41/213, particularly those that have yet to be met, and invites the Secretary-General to consolidate and build upon the results achieved through the reform process and to submit proposals, whenever necessary, for improvements in the administrative and financial functioning of the Organization, in order to enable it to fulfil more effectively its role;

9. *Encourages* the Secretary-General to continue to implement the provisions of resolution 41/213 and other relevant resolutions on questions of personnel and posts in the Organization, particularly those that have yet to be implemented, and invites Member States and the Secretary-General to exercise maximum restraint in their proposals for the staffing table of the Organization, particularly for high-level posts;

10. *Stresses* that the relationship between posts and programmes funded from the regular budget and those funded from extrabudgetary resources requires further analysis and consideration;

11. *Invites* the Secretary-General to ensure greater transparency in the management and use of the extrabudgetary resources made available to the Organization in order, in particular, to assess more precisely the impact of those resources on the activities, programmes and priorities of the Organization;

12. *Requests* the Secretary-General to submit to the General Assembly at its forty-sixth session a report on all aspects of the role and use of extrabudgetary resources, as outlined by the Advisory Committee on Administrative and Budgetary Questions in its report to the Assembly at its forty-fourth session;[2]

13. *Encourages* the intention of the Secretariat to develop management and work-load analysis techniques and invites the Secretary-General to take into account the results of such techniques in the course of his preparation of proposed programme budgets in order to ensure the full and effective implementation of all programmes and activities of the United Nations;

14. *Reiterates* the importance of a comprehensive solution to the problem of all additional expenditures, including those deriving from inflation and currency fluctuation;

15. *Reiterates also* the importance of the review of the procedures for the provision of statements of programme budget implications and for the use and operation of the contingency fund, and recalls that it will consider a single report on these questions at its forty-sixth session;

16. *Calls upon* Member States to provide the conditions for the effective functioning of the Organization, in particular through the fulfilment of their financial obligations as set out in the Charter, in order to sustain the desirable effects of the process of reform and renewal;

17. *Decides* to continue considering annually the administrative, structural and other aspects of the improvement of the efficiency of the Organization, and invites the Secretary-General to report accordingly.

B

The General Assembly,

Reiterating the importance of co-ordination as a policy instrument in improving the performance of the organizations of the United Nations system, ensuring complementarity of efforts and increasing cost-effectiveness,

Stressing again the need to strengthen the role of Member States in the relevant intergovernmental bodies of the United Nations system and of the Secretary-General with respect to system-wide co-ordination,

1. *Endorses* the relevant conclusions and recommendations of the Committee for Programme and Co-ordination in the field of co-ordination;

2. *Endorses also* the conclusions and recommendations contained in the report on the joint meetings of the Administrative Committee on Co-ordination and the Committee for Programme and Co-ordination (see A/45/835);

3. *Requests* the Secretary-General to include in the annual overview report of the Administrative Committee on Co-ordination a section on the measures taken or envisaged to implement the conclusions and recommendations of the Committee for Programme and Co-ordination and of the joint meetings of the two Committees;

4. *Reiterates its request* to the Secretary-General to make available to the General Assembly, at its forty-sixth session, the annual overview report of the Administrative Committee on Co-ordination, together with the relevant conclusions and recommendations of the Committee for Programme and Co-ordination and of the Economic and Social Council on that report.

C

The General Assembly,

Takes note of the report of the Secretary-General on the status of technological innovations in the United Nations (A/45/478), and requests that an updated version of that report be submitted in the context of the proposed programme budget for the biennium 1992-1993.

Draft resolution II

PROPOSED PROGRAMME BUDGET OUTLINE FOR THE BIENNIUM 1992-1993

The General Assembly,

Recalling its resolution 41/213 of 19 December 1986, by which, *inter alia*, it requested the Secretary-General to submit in off-budget years an outline of the programme budget for the following biennium,

Recalling also its resolution 43/214 of 21 December 1988 on the proposed programme budget outline for the biennium 1990-1991 and use and operation of the contingency fund,

Having considered the report of the Secretary-General (A/45/369), the relevant parts of the report of the Committee for Programme and Co-ordination (see A/45/16 (Part II)) and the report of the Advisory Committee on Administrative and Budgetary Questions (A/45/878),

1. *Reaffirms* that the proposed programme budget outline, being a part of the new budget process, is in a developmental period, that its methodology requires greater improvements, transparency and accuracy and that the whole exercise should be applied with flexibility, in accord-

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[2] *Official Records of the General Assembly, Forty-fourth Session, Supplement No. 7A* (A/44/7/Add.1-8), document A/44/7/Add.7.

ance with resolution 41/213 and resolution 42/211 of 21 December 1987;

2. *Endorses* the conclusions and recommendations of the Committee for Programme and Co-ordination and the Advisory Committee on Administrative and Budgetary Questions, and notes the intention of the Advisory Committee to study further the methodology of the outline;

3. *Invites* the Secretary-General to prepare the proposed programme budget for the biennium 1992-1993 on the basis of the total preliminary estimate provided by the Advisory Committee of 2,006,200,000 United States dollars at the initial 1990-1991 rates indicated in the report of the Secretary-General (A/45/369), to be adjusted at 1992-1993 rates;

4. *Decides* that the contingency fund of the programme budget for the biennium 1992-1993 shall provisionally be established at a level of 0.75 per cent of the preliminary estimate at 1992-1993 rates (or 2,462,400,000 dollars at the 1992-1993 rates indicated by the Advisory Committee), i.e., 19 million dollars, and recalls that the level and mode of operation of the contingency fund shall be reviewed by the General Assembly at its forty-sixth session in accordance with paragraph 4 of its resolution 44/200 B of 21 December 1989;

5. *Takes note* of the proposals of the Secretary-General and the views expressed by Member States on priorities, and endorses the recommendations of the Committee for Programme and Co-ordination thereon, and requests the Secretary-General to pay particular attention to them in preparing the proposed programme budget for the biennium 1992-1993;

6. *Recognizes* that the outline should provide a greater level of predictability of resources required for the following biennium, while ensuring that such resources are adequate for the fulfilment of the objectives, programmes and activities of the Organization, as mandated by the relevant legislative bodies of the United Nations, thereby facilitating the widest possible agreement on the programme budget;

7. *Takes note* of the rate of real growth, compared with the previous budget, indicated by the Secretary-General in his report, and stresses that the methodology for the preparation of the outline and the programme budget should be revised, taking into account the views of the Committee for Programme and Co-ordination and the Advisory Committee as well as the need for increased transparency in the methodology used to reflect inflation and currency fluctuations;

8. *Requests* the Secretary-General to submit the proposed programme budget for the biennium 1992-1993 in accordance with the present resolution and all resolutions and decisions of the General Assembly pertinent to the new budgetary process.

DOCUMENT A/45/L.49

Fiji: draft resolution

[*Original: English*]
[*10 May 1991*]

RESTRUCTURING AND REVITALIZATION OF THE UNITED NATIONS IN THE ECONOMIC, SOCIAL AND RELATED FIELDS

The General Assembly,

Reaffirming its resolution 45/177 of 19 December 1990, on the restructuring and revitalization of the United Nations in the economic and social fields, and other relevant resolutions,

1. *Adopts* the text contained in the annex to the present resolution, including the basic principles and guidelines, goals and measures, as well as issues to be addressed in the future, for the restructuring and revitalization of the United Nations in the economic, social and related fields;

2. *Requests* the Secretary-General to implement the recommendations addressed to him in the annex to the present resolution and to report thereon as proposed;

3. *Invites* the specialized agencies, organs, organizations and bodies of the United Nations system to implement, as appropriate, those recommendations within their respective spheres of competence;

4. *Decides* to include in the provisional agenda of its forty-sixth session an item entitled "Restructuring and revitalization of the United Nations in the economic, social and related fields".

ANNEX

Restructuring and revitalization of the United Nations in the economic, social and related fields

1. Given the role of the United Nations in the economic, social and related sectors as set out in the relevant provisions of the Charter of the United Nations, including Article 55, the overall objective of the restructuring and revitalization of the United Nations in the economic, social and related fields is defined in resolution 45/177 adopted by the General Assembly on 19 December 1990. In paragraph 3 of the resolution, the Assembly "stresses the need for more effective and efficient functioning of the intergovernmental machinery of the United Nations system in the economic, social and related fields in order to be more responsive to the needs of enhancing international economic cooperation and promoting the development of the developing countries". The restructuring and revitalization process should also take account of Assembly resolutions 32/197 of 20 December 1977 and 41/213 of 19 December 1986, and other relevant resolutions.

2. The objective in paragraph 1 of the present annex needs to be addressed through a concerted, deliberate and continuing process of restructuring and revitalization of the United Nations, encompassing all organs and bodies concerned in the economic, social and related fields. Such an approach should ensure orderly restructuring and revitalization of the economic, social and related fields and enhance the flexibility and adaptability of the Organization in the performance of its functions, and its ability to address the most urgent tasks and new demands, and should bear in mind the need for an efficient and effective United Nations system to deal with a number of global challenges in the economic, social and related fields in a world of growing interdependence, as well as enhance the interest taken by the international community in the work of the Organization. Thus it would also enhance the effectiveness and efficiency of the Organization.

I. BASIC PRINCIPLES AND GUIDELINES FOR THE RESTRUCTURING AND REVITALIZATION OF THE UNITED NATIONS IN THE ECONOMIC, SOCIAL AND RELATED FIELDS

3. The deliberations and decisions of the restructuring and revitalization process should be predicated on the following basic principles and guidelines, in order to ensure a successful outcome:

(*a*) Restructuring is primarily an intergovernmental responsibility and needs to be pursued in this context. The Secretary-General, in fulfilment of his responsibility as the chief administrative officer of the United Nations, in accordance with the provisions of the Charter, is requested to assist and cooperate in this regard;

(*b*) The process of restructuring and revitalization of the United Nations in the economic, social and related fields should be in accordance with the mandate set forth in General Assembly resolution 45/177, the provisions agreed upon at the resumed forty-fifth session of the Assembly, and other relevant resolutions;

(*c*) Political will is an essential prerequisite for enhancing international cooperation. The socio-economic goals of the United Nations will remain unachievable in the absence of the requisite political will of all States;

(*d*) The current restructuring and revitalization process should promote the achievement of the objectives and priorities of the United Nations in the economic, social and related fields as set forth in the relevant resolutions of the General Assembly;

(*e*) The restructuring and revitalization of the United Nations in the economic, social and related fields should aim at achieving greater complementarity between the bodies and organs of the United Nations with the General Assembly, while ensuring the latter's position as a principal organ of the United Nations;

(*f*) The restructuring and revitalization of the United Nations in the economic, social and related fields should preserve the democratic principles which underpin the decision-making process of the United Nations;

(*g*) Transparency and openness need to be preserved and strengthened in the functioning of the United Nations system in the economic, social and related fields;

(*h*) Restructuring and revitalization should be examined and pursued while ensuring the most efficient and effective use of the financial and human resources of the United Nations system in the economic, social and related fields;

(*i*) The ongoing process of revitalization of the Economic and Social Council, on the basis of all its relevant resolutions, as appropriate, remains valid.

II. Goals of the resumed forty-fifth session of the General Assembly

4. The reconvened session is a step in the process of restructuring and revitalization of the United Nations system in the economic, social and related fields, on the basis of the basic principles and guidelines set out in paragraph 3 of the present annex. The session is aimed at reaching agreement, *inter alia*, on the role and functioning of the Economic and Social Council, in order to:

(*a*) Enable the Economic and Social Council to discharge the responsibilities entrusted to it by the Charter by enhancing its role as a central forum for major economic, social and related issues and policies and its coordinating functions relating to the United Nations system in the economic, social and related fields;

(*b*) Improve its effectiveness and efficiency in the consideration of and action on the reports of its subsidiary bodies and other relevant reports;

(*c*) Ensure greater complementarity with the work of the General Assembly, in accordance with Article 60 of the Charter;

(*d*) Avoid duplication with other organs of the United Nations;

(*e*) Follow an integrated approach to policy and programme aspects of the economic and social issues.

In addition, the session agreed on the agenda and the timetable for the continuation of the process of restructuring and revitalization of the United Nations in the economic, social and related fields, as specified in section IV of the present annex.

III. Measures for the restructuring and revitalization of the Economic and Social Council

5. The following measures are adopted:

(*a*) The continued implementation of the relevant resolutions of the General Assembly as well as Economic and Social Council resolutions 1988/77 of 29 July 1988, 1989/114 of 28 July 1989, 1990/69 of 27 July 1990 and Council decision 1990/205 of 9 February 1990, as appropriate;

(*b*) An organizational session not to exceed four days to be held in New York in early February to determine the annual agenda of the Council and related organizational matters, taking into account the relevant provisions of the resolutions and decision mentioned in paragraph 5 (*a*) of the present annex, particularly on the themes to be discussed in the high-level segment. This session will also select themes for the coordination segment, taking into account, *inter alia*, the recommendations of the joint meetings of the Committee for Programme and Coordination and the Administrative Committee on Coordination. Elections, appointments and confirmations to take place during a resumed organizational session of one or two days at the end of April;

(*c*) One substantive session of four to five weeks to take place in alternate years in New York and Geneva between May and June;

(*d*) The substantive session to be broadly organized, sequentially, along the following lines:

High-level segment

(i) A high-level segment of four days open to all Member States in accordance with Article 69 of the Charter, with ministerial participation, devoted to the consideration of one or more major economic and/or social policy themes to be determined at the organizational session, taking into account the Economic and Social Council multi-year work programme; adequate Secretariat preparation, including, in particular, one comprehensive background document for each theme; debate to follow an integrated and interdisciplinary approach; heads of the relevant organizations, agencies and other organs to participate actively;

One-day policy dialogue and discussion on important developments in the world economy and international economic cooperation. In this context, heads of multilateral financial and trade institutions of the United Nations system are invited to participate actively in this dialogue and discussion on matters of mutual interest with a view to building areas of understanding;

The main features of the deliberations of the high-level segment would be presented to the Economic and Social Council by its President in the form of a summary, which would be incorporated in its final report;

The deliberations of the high-level segment would provide political impetus for building areas of convergence and facilitate the consideration of the issues in question, including the emergence of new recommendations on the issues, in the relevant forums.

Coordination segment

(ii) Coordination of the activities of the specialized agencies, organs, organizations and bodies of the United Nations system in the economic, social and related fields, in accordance with Articles 63 and 64 of the Charter. This segment will consist of the following:

a. A segment of four to five days devoted to the coordination of the policies and activities of the specialized agencies, organs, organizations and bodies of the United Nations system relating to the achievement of the economic and social objectives of the United Nations. Discussion will be organized around one or more themes selected at the organizational session, and designed to focus attention on the activities of the United Nations system in the selected economic and social areas;

b. Discussion will take into account the report of the Secretary-General as Chairman of the Administrative Committee on Coordination, together with appropriate recommendations of the Committee for Programme and Coordination and the joint meetings of the Committee for Programme and Coordination and the Administrative Committee on Coordination. This report should contain a system-wide assessment of the status of coordination with regard to the themes and include recommendations, as appropriate;

c. The heads of concerned specialized agencies, organs, organizations and bodies of the United Nations system, including multilateral financial and trade institutions, are invited to participate actively, making contributions to the policy dialogue reflecting a global perspective on the agreed theme or themes, as well as their activities in the chosen themes;

d. Recommendations which result from these discussions shall be submitted to the General Assembly and forwarded, as appropriate, to the governing bodies of the specialized agencies, organs, organizations and bodies of the United Nations system as well as to the Committee for Programme and Coordination and the Administrative Committee on Coordination. In this context, the Secretary-General should arrange to apprise the next session of the Economic and Social Council of steps taken by the United Nations system to give effect to these recommendations.

Operational activities segment

(iii) A segment of two to three days devoted to operational activities of the United Nations system focusing, in particular, on the follow-up of policy recommendations and decisions of the General Assembly and coordination of operational activities on a system-wide basis, taking account of Economic and Social Council resolution 1988/77. The triennial review would continue to be undertaken by the General Assembly.

Committee segment

(iv) Consideration of specific economic, social and related issues, including their programme implications, in two separate committees meeting simultaneously to consider and take decisions on the reports of the subsidiary bodies of the Economic and Social Council and other relevant reports;[a] these reports should be arranged in clusters, as appropriate, for consideration; discussions to be decision-oriented focusing on specific recommendations and issues and not to involve a general debate. Review and monitoring of the implementation of the decisions of the General Assembly in the economic, social and related fields. Reports of the committees to be submitted to the plenary Council for approval.

(v) Adoption of the report;

(*e*) The above measures will come into effect in February 1992.

IV. ISSUES TO BE ADDRESSED IN THE FUTURE

6. The following non-exclusive list contains issues to be addressed in the future. The agenda and timetable for some further steps will be as follows:

(1) *Complementarity between the work of the Economic and Social Council and the General Assembly*

Review at the forty-seventh session of the General Assembly of ways of enhancing the complementarity between the work of the Economic and Social Council and that of the General Assembly in accordance with Article 60 of the Charter.

(2) *Composition of the Economic and Social Council*

The process of restructuring and revitalization of the United Nations in the economic, social and related fields, undertaken with a view to enhancing its impact and effectiveness, shall include a review of the composition of the Economic and Social Council with due regard to equitable geographical representation and other relevant factors, in order to ensure the most effective participation of Member States, to be undertaken at a resumed forty-seventh session of the General Assembly.

(3) *Subsidiary machinery in the economic, social and related fields*

A review at the forty-sixth session of the General Assembly of the subsidiary bodies of the Economic and Social Council and the General Assembly, with the objective of possible restructuring and revitalization, and of their reporting responsibilities and procedures with a view to avoiding duplication, where possible. The review should be on the basis of, *inter alia*, the following criteria:

(*a*) Ensuring that programme delivery of a subsidiary body meets the needs of Member States and that it is consistent with the goals and priorities of the United Nations in the economic and social fields;

(*b*) Application of the same basic principles and guidelines for enhancing the effectiveness and efficiency of the subsidiary machinery, as those set out in paragraph 3 of the present annex;

(*c*) Avoidance of subsuming highly technical functions of subsidiary bodies and expert groups into the Economic and Social Council;

(*d*) Ensuring that the subsidiary machinery in the economic, social and related fields is able to offer sound recommendations and advice as input into and not a substitute for the consideration and decisions by the Economic and Social Council and the General Assembly.

The Secretary-General is requested to provide to the General Assembly at its forty-sixth session relevant information, including information on the status of subsidiary bodies and their reporting procedures, in order to facilitate the review of the subsidiary bodies of the Economic and Social Council and of the General Assembly.

(4) *Secretariat*

A review of the Secretariat structure will be necessary on the basis of the agreements to be reached in the restructuring and revitalization process. In this context, the Secretary-General is requested to review the structure of the Secretariat in the economic, social and related fields, taking into account the outcome of the resumed forty-fifth session of the General Assembly, future work, and other relevant resolutions, as appropriate, and to report thereon with such recommendations as might be appropriate to the Assembly at its forty-seventh session.

Noting that management of the Secretariat is the responsibility of the Secretary-General, he is requested expeditiously to implement those measures within his purview, in accordance with the Charter and the relevant resolutions of the General Assembly, to streamline Secretariat operations in the economic, social and related fields in order to reinforce the restructuring and revitalization process directed by the General Assembly, and to report thereon to the Assembly at its forty-sixth and forty-seventh sessions.

(5) *Progress report*

The Secretary-General is requested to submit an annual progress report to the General Assembly, starting with its forty-seventh session, on the implementation of the result of the restructuring and revitalization process in the economic, social and related fields, in which he is requested to provide information on any recommendation agreed upon which has not been implemented as scheduled.

(6) *Review*

As part of the restructuring and revitalization process the implementation of the measures in paragraph 5 above, including all organizational aspects of both the organizational and substantive sessions of the Economic and Social Council, will be reviewed at the forty-eighth session of the General Assembly in the light of the experience of the reforms agreed upon, with the view to enhancing the impact and effectiveness of the restructuring and revitalization of the United Nations in the economic, social and related fields.

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[a] The meetings of the Economic Committee will begin immediately after the operational activities segment. The work of the Social Committee will begin immediately after the completion of the coordination segment.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 70th plenary meeting, on 19 December 1990, the General Assembly adopted draft resolution A/45/L.34/Rev.1. For the final text, see resolution 45/177.[3]

At its 72nd plenary meeting, on 21 December 1990, the General Assembly adopted draft resolutions I A to C and II submitted by the Fifth Committee in its report (A/45/899, para. 10). For the final text, see resolutions 45/254 A to C and 45/255.[3]

At the same meeting, the General Assembly decided to retain item 117 on the agenda of its forty-fifth session (see decision 45/455).[3]

At its 75th plenary meeting, on 13 May 1991, the General Assembly adopted draft resolution A/45/L.49. For the final text, see resolution 45/264.[4]

At its 82nd plenary meeting, on 16 September 1991, the General Assembly decided to include in the draft agenda of its forty-sixth session an item entitled "Revitalization of the work of the General Assembly" (see decision 45/461).[4]

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[3] *Ibid., Forty-fifth Session, Supplement No. 49.*

[4] *Ibid., Supplement No. 49A.*

LIST OF OTHER DOCUMENTS PERTAINING TO THE ITEM

Symbol	*Title or description*	*Observations and references*
A/45/16 (Part I) and Add.1 and (Part II)	Report of the Committee for Programme and Co-ordination on the work of its thirtieth session	*Official Records of the General Assembly, Forty-fifth Session, Supplement No. 16*
A/45/226	Analytical report of the Secretary-General on the implementation of General Assembly resolution 41/213	
A/45/369	Proposed programme budget outline for the biennium 1992-1993: report of the Secretary-General	
A/45/370	Compendium of mandates of subsidiary administrative and budgetary bodies of the General Assembly: report of the Secretary-General	
A/45/478	The status of technological innovations in the United Nations: report of the Secretary-General	
A/45/598-S/21854	Letter dated 3 October 1990 from the Minister for Foreign Affairs of the Union of Soviet Socialist Republics and the Secretary of State of the United States of America to the Secretary-General transmitting the text of a joint Soviet-American statement entitled "Responsibility for peace and security in the changing world"	
A/45/617	Analytical report of the Secretary-General on the implementation of General Assembly resolution 41/213—Proposed medium-term plan for the period 1992-1997—Programme performance of the United Nations for the biennium 1988-1989: report of the Advisory Committee on Administrative and Budgetary Questions	
A/45/714	The United Nations intergovernmental structure and functions in the economic and social fields: report of the Secretary-General	
A/45/796	Facilities management: report of the Secretary-General	
A/45/796/Add.1	——— : Historical background and descriptions of properties occupied by the United Nations at the principal offices	
A/45/878	Report of the Advisory Committee on Administrative and Budgetary Questions on the proposed programme budget outline for the biennium 1992-1993	
A/45/991	Letter dated 8 April 1991 from the representative of Ghana to the President of the General Assembly transmitting the formal position paper of the Group of 77 on the restructuring and revitalization of the United Nations in the economic and social fields	
A/45/999	Letter dated 22 April 1991 from the representative of Luxembourg to the Secretary-General transmitting the formal position paper of the European Community and its twelve member States on the restructuring and revitalization of the United Nations in the economic and social fields	
A/45/1001	Letter dated 25 April 1991 from the representatives of Denmark, Finland, Iceland, Norway and Sweden to the Secretary-General transmitting the joint Nordic discussion paper on the reform and restructuring of the United Nations in the economic and social sectors	
A/45/L.34	Draft resolution	Replaced by A/45/L.34/Rev.1
A/C.5/45/L.20	Draft resolutions	See A/45/899, paras. 4 and 10, draft resolutions I A to C
A/C.5/45/L.26	Draft resolution	*Ibid.*, paras. 7 and 10, draft resolution II

Programme budget implications of the draft resolution contained in document A/45/L.34/Rev.1

A/C.5/45/72 and Corr.1	Note by the Secretary-General	
A/45/875	Report of the Fifth Committee	See annex fascicle, agenda item 118

United Nations

GENERAL ASSEMBLY

Official Records

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ANNEXES

FORTY-FIFTH SESSION

NEW YORK, 1990/1991

Agenda item 118: Programme budget for the biennium 1990-1991*

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* For the records of the relevant meetings, see *Official Records of the General Assembly, Forty-fifth Session, Fifth Committee*, 6th, 11th, 14th to 16th, 18th, 20th to 23rd, 29th, 31st, 39th, 41st to 52nd, 55th and 56th meetings, and corrigendum; and *ibid., Plenary Meetings*, 72nd to 74th meetings.

Programme budget implications of proposals made during the session

DOCUMENT A/45/606

Implications of the draft resolution contained in document A/45/L.2

(Agenda item 154)

Report of the Fifth Committee

[*Original: Arabic*]
[*10 October 1990*]

1. At its 6th meeting, on 10 October 1990, the Fifth Committee, pursuant to rule 153 of the rules of procedure of the General Assembly, considered the statement by the Secretary-General (A/C.5/45/13) on the programme budget implications of the draft resolution contained in document A/45/L.2. The related report of the Advisory Committee on Administrative and Budgetary Questions was presented orally by its Chairman (see A/45/7 and Add.1-14, annex, paras. 1-10).

2. Statements and comments made in the course of the Fifth Committee's consideration of this question are reflected in the summary record of the meeting (A/C.5/45/SR.6).

Decision of the Committee

3. Based on the statement of programme budget implications submitted by the Secretary-General, the recommendations of the Advisory Committee and the views expressed by delegations in the Fifth Committee, the Committee decided, without a vote, to inform the General Assembly that should it adopt draft resolution A/45/L.2, the net additional amount required should not exceed $6.5 million.

4. The actual amount, within the $6.5 million limit, which would eventually be required under the programme budget for the biennium 1990-1991 would be reflected in a special performance report to be submitted to the General Assembly near the close of its forty-fifth session. The report would take into account, *inter alia*, such offsetting staff savings as might arise under various sections of the programme budget, the actual estimated value of vehicles and equipment to be credited to the budget, the size of any host government contributions and the effect of such voluntary contributions as might be received in response to the Secretary-General's continuing efforts in that regard. Pending the submission of the report, the Secretary-General would be authorized to enter into commitments not exceeding $5 million.

5. Furthermore, the Fifth Committee informs the General Assembly that the question of recourse to the procedures relating to the contingency fund should be decided at such time as the actual appropriations for this activity are being approved.

DOCUMENT A/45/665

Implications of holding a special session of the International Civil Service Commission

(Agenda item 124)

Report of the Fifth Committee

[*Original: Arabic*]
[*24 October 1990*]

1. At its 11th meeting, on 17 October 1990, the Fifth Committee, pursuant to rule 153 of the rules of procedure of the General Assembly, considered the statement by the Secretary-General (A/C.5/45/16) on the programme budget implications of holding a special session of the International Civil Service Commission. The related report of the Advisory Committee on Administrative and Budgetary Questions was presented orally by its Chairman (see A/45/7 and Add.1-14, annex, para. 11).

2. Comments made in the course of the Fifth Committee's consideration of this question are reflected in the summary record of the meeting (A/C.5/45/SR.11).

Decision of the Committee

3. Based on the statement of programme budget implications submitted by the Secretary-General and the recommendations of the Advisory Committee, the Fifth Committee decided, without a vote, to inform the General Assembly that should it approve the recommendation contained in paragraph 141 of the report of the Committee on Conferences (A/45/32 and Add.1 and Add.1/Corr.1) no additional appropriations would be

required either under section 28H or section 29 of the programme budget for the biennium 1990-1991.

DOCUMENT A/45/686

Implications of the draft resolutions contained in documents A/45/L.16 and L.17

(Agenda item 18)

Report of the Fifth Committee

[*Original: Arabic*]
[*19 November 1990*]

1. At its 31st meeting, on 19 November 1990, the Fifth Committee, pursuant to rule 153 of the rules of procedure of the General Assembly, considered the statement by the Secretary-General (A/C.5/45/35) on the programme budget implications of the draft resolutions contained in documents A/45/L.16 and L.17. The related report of the Advisory Committee on Administrative and Budgetary Questions was presented orally by its Chairman (see A/45/7 and Add.1-14, annex, para. 17).

2. Statements and comments made in the course of the Fifth Committee's consideration of this question are reflected in the summary record of the meeting (A/C.5/45/SR.31).

Decision of the Committee

3. The Fifth Committee decided, without a vote, to inform the General Assembly that should it adopt draft resolutions A/45/L.16 and L.17, based on the information contained in the statement by the Secretary-General and in the related report of the Advisory Committee, no modifications in the programme of work for the biennium 1990-1991 and no additional resources under section 3 or section 27 of the programme budget for the biennium 1990-1991 would be required to accommodate the 1991 programme of work of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples.

DOCUMENT A/45/710

Implications of the draft resolution contained in document A/45/L.3

(Agenda item 29)

Report of the Fifth Committee

[*Original: Arabic*]
[*6 November 1990*]

1. At its 21st and 23rd meetings, on 5 and 6 November 1990, the Fifth Committee, pursuant to rule 153 of the rules of procedure of the General Assembly, considered the statement by the Secretary-General (A/C.5/45/25 and Corr.1) on the programme budget implications of the draft resolution contained in document A/45/L.3. The Fifth Committee had before it the related report of the Advisory Committee on Administrative and Budgetary Questions (A/45/7/Add.4).

2. Statements and comments made in the course of the Fifth Committee's consideration of this question are reflected in the summary records of the meetings (A/C.5/45/SR.21 and 23).

Decision of the Committee

3. Based on the statement by the Secretary-General on the programme budget implications and on the recommendation of the Advisory Committee, the Fifth Committee decided, without a vote, to inform the General Assembly that should it adopt draft resolution A/45/L.3, an additional appropriation of $6,150,000 would be required under section 1 of the programme budget for the biennium 1990-1991. Furthermore, these additional requirements should be provided without recourse to the contingency fund. In

addition, an additional appropriation of $336,100 would be required under section 31, to be offset by the same amount under income section 1.

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4. The representative of Afghanistan made a statement.

DOCUMENT A/45/728

Implications of draft resolution I submitted by the Sixth Committee in document A/45/739

(Agenda item 144)

Report of the Fifth Committee

[*Original: Arabic*]
[*19 November 1990*]

1. At its 31st meeting, on 19 November 1990, the Fifth Committee, pursuant to rule 153 of the rules of procedure of the General Assembly, considered the statement by the Secretary-General (A/C.5/45/34) on the programme budget implications of draft resolution I submitted by the Sixth Committee in its report (A/45/739, para. 15). The related report of the Advisory Committee on Administrative and Budgetary Questions was presented orally by its Chairman (see A/45/7 and Add.1-14, annex, para. 16).

2. Statements and comments made in the course of the Fifth Committee's consideration of this question are reflected in the summary record of the meeting (A/C.5/45/SR.31).

Decision of the Committee

3. The Fifth Committee decided, without objection, to inform the General Assembly that should it adopt draft resolution I of the Sixth Committee, no additional appropriation would be required under section 26 or section 29 of the programme budget for the biennium 1990-1991.

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4. A statement in explanation of position was made by the representative of the Libyan Arab Jamahiriya.

DOCUMENT A/45/811

Implications of draft resolution B submitted by the First Committee in document A/45/775

(Agenda item 53)

Report of the Fifth Committee

[*Original: Arabic*]
[*30 November 1990*]

1. At its 39th meeting, on 30 November 1990, the Fifth Committee, pursuant to rule 153 of the rules of procedure of the General Assembly, considered the statement by the Secretary-General (A/C.5/45/46) on the programme budget implications of draft resolution B submitted by the First Committee in its report (A/45/775, para. 11). The related report of the Advisory Committee on Administrative and Budgetary Questions was presented orally by its Chairman (see A/45/7 and Add.1-14, annex, paras. 22-28).

2. Statements and comments made in the course of the Fifth Committee's consideration of this question are reflected in the summary record of the meeting (A/C.5/45/SR.39).

Decision of the Committee

3. The Fifth Committee decided, without a vote, to inform the General Assembly that should it adopt draft resolution B of the First Committee:

(*a*) An additional appropriation of $64,400 would be required under section 2B of the programme budget for the biennium 1990-1991;

(*b*) In addition, an amount of $1,400 would be required under section 31, to be offset by a corresponding amount under income section 1;

(*c*) Such requirements would constitute additional expenditures derived from legislative mandates not provided for in the programme budget and would therefore be subject to the guidelines for the use of the contingency fund approved by the General Assembly in its resolution 42/211 of 21 December 1987.

DOCUMENT A/45/812

Implications of draft resolution A submitted by the First Committee in document A/45/776

(Agenda item 54)

Report of the Fifth Committee

[*Original: Arabic*]
[*30 November 1990*]

1. At its 39th meeting, on 30 November 1990, the Fifth Committee, pursuant to rule 153 of the rules of procedure of the General Assembly, considered the statement by the Secretary-General (A/C.5/45/49) on the programme budget implications of draft resolution A submitted by the First Committee in its report (A/45/776, para. 8). The related report of the Advisory Committee on Administrative and Budgetary Questions was presented orally by its Chairman (see A/45/7 and Add.1-14, annex, paras. 22-28).

2. Statements and comments made in the course of the Fifth Committee's consideration of this question are reflected in the summary record of the meeting (A/C.5/45/SR.39).

Decision of the Committee

3. The Fifth Committee decided, without a vote, to inform the General Assembly that should it adopt draft resolution A of the First Committee:

(*a*) An additional appropriation of $28,800 would be required under section 2B of the programme budget for the biennium 1990-1991;

(*b*) Such requirements would constitute additional expenditures derived from legislative mandates not provided for in the programme budget and would therefore be subject to the guidelines for the use of the contingency fund approved by the General Assembly in its resolution 42/211 of 21 December 1987.

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4. A statement in explanation of position was made by the representative of Japan.

DOCUMENT A/45/813

Implications of draft resolutions N and O submitted by the First Committee in document A/45/778

(Agenda items 56 and 56 (*k*))

Report of the Fifth Committee

[*Original: Arabic*]
[*30 November 1990*]

1. At its 39th meeting, on 30 November 1990, the Fifth Committee, pursuant to rule 153 of the rules of procedure of the General Assembly, considered the statements by the Secretary-General (A/C.5/45/50 and A/C.5/45/47) on the programme budget implications of draft resolutions N and O submitted by the First Committee in its report (A/45/778, para. 52). The related report of the Advisory Committee on Administrative and Budgetary Questions was presented orally by its Chairman (see A/45/7 and Add.1-14, annex, paras. 22-28).

2. Statements and comments made in the course of the Fifth Committee's consideration of this question are reflected in the summary record of the meeting (A/C.5/45/SR.39).

Decisions of the Committee

A. CHARTING POTENTIAL USES OF RESOURCES ALLOCATED TO MILITARY ACTIVITIES FOR CIVILIAN ENDEAVOURS TO PROTECT THE ENVIRONMENT

3. The Fifth Committee decided, without a vote, to inform the General Assembly that should it adopt draft resolution N of the First Committee:

(*a*) An additional appropriation of $144,400 would be required under section 2B of the programme budget for the biennium 1990-1991;

(*b*) In addition, an amount of $1,600 would be required under section 31, to be offset by a corresponding amount under income section 1;

(*c*) Such requirements would constitute additional expenditures derived from legislative mandates not provided for in the programme budget and would therefore be subject to the guidelines for the use of the contingency fund approved by the General Assembly in its resolution 42/211 of 21 December 1987.

B. DEFENSIVE SECURITY CONCEPTS AND POLICIES

4. The Fifth Committee decided, without a vote, to inform the General Assembly that, should it adopt draft resolution O of the First Committee:

(*a*) An additional appropriation of $170,700 would be required under section 2B of the programme budget for the biennium 1990-1991;

(*b*) In addition, an amount of $2,400 would be required under section 31, to be offset by a corresponding amount under income section 1;

(*c*) Such requirements would constitute additional expenditures derived from legislative mandates not provided for in the programme budget and would therefore be subject to the guidelines for the use of the contingency fund approved by the General Assembly in its resolution 42/211 of 21 December 1987.

DOCUMENT A/45/814

Implications of draft resolution G submitted by the First Committee in document A/45/782

(Agenda item 60 (*e*))

Report of the Fifth Committee

[*Original: Arabic*]
[*30 November 1990*]

1. At its 39th meeting, on 30 November 1990, the Fifth Committee, pursuant to rule 153 of the rules of procedure of the General Assembly, considered the statement by the Secretary-General (A/C.5/45/51) on the programme budget implications of draft resolution G submitted by the First Committee in its report (A/45/782, para. 24). The related report of the Advisory Committee on Administrative and Budgetary Questions was presented orally by its Chairman (see A/45/7 and Add.1-14, annex, paras. 22-28).

2. Statements and comments made in the course of the Fifth Committee's consideration of this question are reflected in the summary record of the meeting (A/C.5/45/SR.39).

Decision of the Committee

3. The Fifth Committee decided, without a vote, to inform the General Assembly that should it adopt draft resolution G of the First Committee:

(*a*) An additional appropriation of $52,600 would be required under section 2B of the programme budget for the biennium 1990-1991;

(*b*) An amount of $1,400 would be required under section 31, to be offset by a corresponding amount under income section 1;

(*c*) Such requirements would constitute additional expenditures derived from legislative mandates not provided for in the programme budget and would therefore be subject to the guidelines for the use of the contingency fund approved by the General Assembly in its resolution 42/211 of 21 December 1987.

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4. A statement in explanation of position was made by the representative of France.

DOCUMENT A/45/816

Implications of the draft resolutions contained in documents A/45/L.20 and L.21 and Corr.1

(Agenda item 152)

Report of the Fifth Committee

[*Original: Arabic*]
[*3 December 1990*]

1. At its 39th meeting, on 30 November 1990, the Fifth Committee, pursuant to rule 153 of the rules of procedure of the General Assembly, considered the statement by the Secretary-General (A/C.5/45/56) on the programme budget

implications of the draft resolutions contained in documents A/45/L.20 and L.21 and Corr.1. The related report of the Advisory Committee on Administrative and Budgetary Questions was presented orally by its Chairman (see A/45/7 and Add.1-14, annex, paras. 20 and 21).

2. Comments made in the course of the Fifth Committee's consideration of this question are reflected in the summary record of the meeting (A/C.5/45/SR.39).

Decisions of the Committee

3. The Fifth Committee decided, without a vote, to inform the General Assembly that should it adopt draft resolution A/45/L.20, no additional appropriations would be required under section 29 of the programme budget for the biennium 1990-1991.

4. Further, the Fifth Committee decided, without a vote, to inform the General Assembly that should it adopt draft resolution A/45/L.21 and Corr.1:

(*a*) Additional resource requirements would arise in the amount of $50,000 under section 5A of the programme budget for the biennium 1990-1991 to finance the activities referred to in paragraphs 5 and 7 of the draft resolution;

(*b*) Such requirements would constitute additional expenditures derived from legislative mandates not provided for in the programme budget and would therefore be subject to the guidelines for the use of the contingency fund approved by the General Assembly in its resolution 42/211 of 21 December 1987.

DOCUMENT A/45/819

Implications of draft decision II submitted by the Second Committee in document A/45/848

(Agenda item 12)

Report of the Fifth Committee

[*Original: Arabic*]
[*14 December 1990*]

1. At its 39th meeting, on 30 November 1990, the Fifth Committee, pursuant to rule 153 of the rules of procedure of the General Assembly, considered the statement by the Secretary-General (A/C.5/45/54) on the programme budget implications of draft decision II submitted by the Second Committee in its report (A/45/848, para. 68). The related report of the Advisory Committee on Administrative and Budgetary Questions was presented orally by its Chairman (see A/45/7 and Add.1-14, annex, para. 19).

2. Statements and comments made in the course of the Fifth Committee's consideration of this question are reflected in the summary record of the meeting (A/C.5/45/SR.39).

Decision of the Committee

3. The Fifth Committee decided, without a vote, to inform the General Assembly that should it adopt draft decision II of the Second Committee, no additional appropriations would be required under section 1 of the programme budget for the biennium 1990-1991.

DOCUMENT A/45/820

Implications of the draft resolution submitted by the First Committee in document A/45/783

(Agenda item 61)

Report of the Fifth Committee

[*Original: Arabic*]
[*7 December 1990*]

1. At its 39th meeting, on 30 November 1990, the Fifth Committee, pursuant to rule 153 of the rules of procedure of the General Assembly, considered the statement by the Secretary-General (A/C.5/45/48) on the programme budget implications of the draft resolution submitted by the First Committee in its report (A/45/783, para. 8). The related report of the Advisory Committee on Administrative and Budgetary Questions was presented orally by its Chairman (see A/45/7 and Add.1-14, annex, para. 18).

2. Statements and comments made in the course of the Fifth Committee's consideration of this question are reflected in the summary record of the meeting (A/C.5/45/SR.39).

Decision of the Committee

3. The Fifth Committee decided, without a vote, to inform the General Assembly that should it adopt the draft resolution of the First Committee, no additional appropriations would be required under section 2A or section 29 of the programme budget for the biennium 1990-1991.

DOCUMENT A/45/836

Implications of the draft resolution submitted by the Special Political Committee in document A/45/824

(Agenda item 76)

Report of the Fifth Committee

[*Original: Arabic*]
[*10 December 1990*]

1. At its 42nd meeting, on 10 December 1990, the Fifth Committee, pursuant to rule 153 of the rules of procedure of the General Assembly, considered the statement by the Secretary-General (A/C.5/45/55) on the programme budget implications of the draft resolution submitted by the Special Political Committee in its report (A/45/824, para. 14). The related report of the Advisory Committee on Administrative and Budgetary Questions was presented orally by its Chairman (see A/45/7 and Add.1-14, annex, para. 29).

2. Statements made in the course of the Fifth Committee's consideration of this question are reflected in the summary record of the meeting (A/C.5/45/SR.42).

Decision of the Committee

3. The Fifth Committee decided, without a vote, to inform the General Assembly that should it adopt the draft resolution of the Special Political Committee, no additional appropriations would be required under section 1 or section 2A of the programme budget for the biennium 1990-1991.

DOCUMENT A/45/843/REV.1*

Implications of draft resolution V submitted by the Third Committee in document A/45/838

(Agenda item 12)

Report of the Fifth Committee

[*Original: Arabic*]
[*14 December 1990*]

1. At its 42nd and 43rd meetings, on 10 and 11 December 1990, the Fifth Committee, pursuant to rule 153 of the rules of procedure of the General Assembly, considered the statement by the Secretary-General (A/C.5/45/61) on the programme budget implications of draft resolution V submitted by the Third Committee in its report (A/45/838, para. 109). At the 42nd meeting, the related report of the Advisory Committee on Administrative and Budgetary Questions was presented orally by its Chairman (see A/45/7 and Add.1-14, annex, paras. 38-41). At the same meeting, an oral statement was also made by the Chairman of the Committee on Conferences.

2. Statements and comments made in the course of the Fifth Committee's consideration of this question are reflected in the summary records of the meetings (A/C.5/45/SR.42 and 43).

Decision of the Committee

3. The Fifth Committee decided, without a vote, to inform the General Assembly that should it adopt draft resolution V of the Third Committee:

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* Replaces document A/45/843, dated 12 December 1990.

(*a*) No additional appropriations would be required in the programme budget for the biennium 1990-1991;

(*b*) The estimate for the biennium 1992-1993 for the proposals of the Preparatory Committee for the World Conference on Human Rights and for the Conference would be considered by the General Assembly at its forty-sixth session.

4. The Fifth Committee endorsed the comments of the Advisory Committee and concurred in its concern over the tendency of other intergovernmental committees to involve themselves in administrative and budgetary matters that are within the competence of the Fifth Committee.

DOCUMENT A/45/844

Implications of draft resolution VIII submitted by the Third Committee in document A/45/838

(Agenda item 12)

Report of the Fifth Committee

[*Original: Arabic*]
[*12 December 1990*]

1. At its 42nd meeting, on 10 December 1990, the Fifth Committee, pursuant to rule 153 of the rules of procedure of the General Assembly, considered the statement by the Secretary-General (A/C.5/45/60) on the programme budget implications of draft resolution VIII submitted by the Third Committee in its report (A/45/838, para. 109). The related report of the Advisory Committee on Administrative and Budgetary Questions was presented orally by its Chairman (see A/45/7 and Add.1-14, annex, paras. 34-37).

2. Statements and comments made in the course of the Fifth Committee's consideration of this question are reflected in the summary record of the meeting (A/C.5/45/SR.42).

Decision of the Committee

3. The Fifth Committee decided, without a vote, to inform the General Assembly that should it adopt draft resolution VIII of the Third Committee, no additional appropriations would be required in programme budget for the biennium 1990-1991. Additional provisions for the biennium 1992-1993 would be included in the proposed programme budget for the biennium 1992-1993.

DOCUMENT A/45/845

Implications of draft resolutions I to IV, VI, IX to XIII and XV submitted by the Third Committee in document A/45/756

(Agenda item 100)

Report of the Fifth Committee

[*Original: Arabic*]
[*13 December 1990*]

1. At its 42nd meeting, on 10 December 1990, the Fifth Committee, pursuant to rule 153 of the rules of procedure of the General Assembly, considered the statement by the Secretary-General (A/C.5/45/59) on the programme budget implications of draft resolutions I to IV, VI, IX to XIII and XV submitted by the Third Committee in its report (A/45/756, para. 51). The related report of the Advisory Committee on Administrative and Budgetary Questions was presented orally by its Chairman (see A/45/7 and Add.1-14, annex, paras. 30-33).

2. Statements and comments made in the course of the Fifth Committee's consideration of this question are reflected in the summary record of the meeting (A/C.5/45/SR.42).

Decision of the Committee

3. The Fifth Committee decided, without a vote, to inform the General Assembly that should it adopt draft resolutions I to IV, VI, IX to XIII and XV of the Third Committee:

(*a*) Additional requirements of $364,900 would arise under section 8 of the programme budget for the biennium 1990-1991. Moreover, an amount of $35,000 would be required under section 31, to be offset by a corresponding amount under income section 1;

(*b*) Such requirements would constitute additional expenditures derived from legislative mandates not provided for in the programme budget and would therefore be subject to the guidelines for the use of the contingency fund approved by the General Assembly in its resolution 42/211 of 21 December 1987. The actual additional requirements would be considered in the context of the consolidated statement of programme budget implications and revised estimates (A/C.5/45/73) to be submitted towards the end of the current session, in accordance with the provisions of section C, paragraph 5, of the annex to resolution 42/211.

DOCUMENT A/45/871

Implications of the draft resolutions contained in documents A/45/L.31, L.33 and L.38 to L.42

(Agenda item 34)

Report of the Fifth Committee

[*Original: Arabic*]
[*17 December 1990*]

1. At its 47th meeting, on 15 December 1990, the Fifth Committee, pursuant to rule 153 of the rules of procedure of the General Assembly, considered the statement by the Secretary-General (A/C.5/45/68) on the programme budget implications of the draft resolutions contained in documents A/45/L.31, L.33, and L.38 to L.42. The related report of the Advisory Committee on Administrative and Budgetary Questions was presented orally by its Chairman (see A/45/7 and Add.1-14, annex, para. 62).

2. Statements and comments made in the course of the Fifth Committee's consideration of this question are reflected in the summary record of the meeting (A/C.5/45/SR.47).

Decision of the Committee

3. The Fifth Committee decided, without a vote, to inform the General Assembly that should it adopt draft resolutions A/45/L.31 and L.38 to L.42, no modification in the programme of work for the biennium 1990-1991, as reflected under section 3 of the programme budget for the biennium, would be required. Furthermore, no additional appropriation would be required under section 3 of the programme budget.

4. Should the General Assembly adopt draft resolution A/45/L.33, modifications would have to be made in the citation of outputs under programme element 1.4 of subprogramme 1 of section 27 of the programme budget for the biennium 1990-1991, as indicated in paragraph 36 of the Secretary-General's statement.

5. Furthermore, the adoption of draft resolution A/45/L.33 would give rise to additional requirements in the amount of $117,000 under section 27 of the programme budget.

6. In summary, should the General Assembly adopt draft resolutions A/45/L.31, L.33 and L.38 to L.42, the only additional requirements to arise would be under section 27 of the programme budget in an estimated amount of $117,000.

7. Such requirements would constitute additional expenditures derived from legislative mandates not provided for in the programme budget and would therefore be subject to the guidelines for the use of the contingency fund approved by the General Assembly in its resolution 42/211 of 21 December 1987. In the event that the appropriations required could not be financed from the contingency fund, the Secretary-General, pursuant to annex I of Assembly resolution 41/213 of 19 December 1986, has identified activities for deferral until the 1992-1993 biennium in order to offset the additional costs that would result from the adoption of draft resolution A/45/L.33, as indicated in paragraph 40 of the Secretary-General's statement.

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8. A statement in explanation of position was made by the representative of the United Kingdom of Great Britain and Northern Ireland.

DOCUMENT A/45/872

Implications of the draft resolution submitted by the Second Committee in document A/45/849/Add.4

(Agenda item 79 (*c*))

Report of the Fifth Committee

[*Original: Arabic*]
[*17 December 1990*]

1. At its 47th meeting, on 15 December 1990, the Fifth Committee, pursuant to rule 153 of the rules of procedure of the General Assembly, considered the statement by the Secretary-General (A/C.5/45/69) on the programme budget implications of the draft resolution submitted by the Second Committee in its report (A/45/849/Add.4, para. 9). The related report of the Advisory Committee on Administrative and Budgetary Questions was presented orally by its Chairman (see A/45/7 and Add.1-14, annex, paras. 66-71).

2. Statements made in the course of the Fifth Committee's consideration of this question are reflected in the summary record of the meeting (A/C.5/45/SR.47).

Decision of the Committee

3. The Fifth Committee decided, without a vote, to inform the General Assembly that should it adopt the draft resolution of the Second Committee:

(*a*) Additional resource requirements would arise in the amount of $387,500 under sections 11, 13 and 15 of the programme budget for the biennium 1990-1991;

(*b*) In addition, an amount of $87,500 would be required under section 31, to be offset by a corresponding amount under income section 1;

(*c*) Such requirements would constitute additional expenditures derived from legislative mandates not provided for in the programme budget and would therefore be subject to the guidelines for the use of the contingency fund approved by the General Assembly in its resolution 42/211 of 21 December 1987.

DOCUMENT A/45/873

Implications of the draft resolution submitted by the Second Committee in document A/45/849/Add.6

(Agenda item 79 (*e*))

Report of the Fifth Committee

[*Original: Arabic*]
[*17 December 1990*]

1. At its 47th meeting, on 15 December 1990, the Fifth Committee, pursuant to rule 153 of the rules of procedure of the General Assembly, considered the statement by the Secretary-General (A/C.5/45/71) on the programme budget implications of the draft resolution submitted by the Second Committee in its report (A/45/849/Add.6, para. 6). The related report of the Advisory Committee on Administrative and Budgetary Questions was presented orally by its Chairman (see A/45/7 and Add.1-14, annex, paras. 64 and 65).

2. Statements and comments made in the course of the Fifth Committee's consideration of this question are reflected in the summary record of the meeting (A/C.5/45/SR.47).

Decision of the Committee

3. The Fifth Committee decided, without a vote, to inform the General Assembly that should it adopt the draft resolution of the Second Committee:

(*a*) Additional requirements would arise in the amount of $10,000 under section 5A and $177,500 under section 6 of the programme budget for the biennium 1990-1991;

(*b*) These requirements would constitute additional expenditures derived from legislative mandates not provided for in the programme budget and would therefore be subject to the guidelines for the use and operation of the contingency fund approved by the General Assembly in its resolution 42/211 of 21 December 1987.

DOCUMENT A/45/874

Implications of the draft resolution submitted by the Second Committee in document A/45/851

(Agenda item 81)

Report of the Fifth Committee

[*Original: Arabic*]
[*18 December 1990*]

1. At its 47th meeting, on 15 December 1990, the Fifth Committee, pursuant to rule 153 of the rules of procedure of the General Assembly, considered the statement by the Secretary-General (A/C.5/45/70) on the programme budget implications of the draft resolution submitted by the Second Committee in its report (A/45/851, para. 13). The related report of the Advisory Committee on Administrative and Budgetary Questions was presented orally by its Chairman (see A/45/7 and Add.1-14, annex, para. 63).

2. Statements and comments made in the course of the Fifth Committee's consideration of this question are reflected in the summary record of the meeting (A/C.5/45/SR.47).

Decision of the Committee

3. The Fifth Committee decided, without a vote, to inform the General Assembly that should it adopt the draft resolution of the Second Committee, no additional appropriations would be required in the programme budget for the biennium 1990-1991.

DOCUMENT A/45/875

Implications of the draft resolution contained in document A/45/L.34/Rev.1

(Agenda item 117)

Report of the Fifth Committee

[*Original: Arabic*]
[*17 December 1990*]

1. At its 46th meeting, on 14 December 1990, the Fifth Committee, pursuant to rule 153 of the rules of procedure of the General Assembly, considered the statement by the Secretary-General (A/C.5/45/72 and Corr.1) on the programme budget implications of the draft resolution contained in document A/45/L.34. The related report of the Advisory Committee on Administrative and Budgetary Questions was presented orally by its Chairman (see A/45/7 and Add.1-14, annex, para. 61).

2. Comments made in the course of the Fifth Committee's consideration of this question are reflected in the summary record of the meeting (A/C.5/45/SR.46).

Decision of the Committee

3. The Fifth Committee decided, without a vote, to inform the General Assembly that should it adopt draft resolution A/45/L.34/Rev.1, no additional appropriations would be required under the programme budget for the biennium 1990-1991.

DOCUMENT A/45/893

Implications of draft resolution V submitted by the Third Committee in document A/45/764

(Agenda item 108)

Report of the Fifth Committee

[*Original: Arabic*]
[*20 December 1990*]

1. At its 46th and 50th meetings, on 14 and 19 December 1990, the Fifth Committee, pursuant to rule 153 of the rules of procedure of the General Assembly, considered the statement by the Secretary-General (A/C.5/45/64) on the programme budget implications of draft resolution V submitted by the Third Committee in its report (A/45/764, para. 38). The Fifth Committee also had before it the related report of the Advisory Committee on Administrative and Budgetary Questions (A/45/7/Add.11).

2. Statements and comments made in the course of the Fifth Committee's consideration of this question are reflected in the summary records of the meetings (A/C.5/45/SR.46 and 50).

Decision of the Committee

3. The Fifth Committee decided, without a vote, to inform the General Assembly that should it adopt draft resolution V of the Third Committee:

(*a*) A position of Under-Secretary-General should be established on a temporary basis, taking into account the advice of the Advisory Committee in its report and section I of General Assembly resolution 44/201 B of 21 December 1989, in which the need for identifying additional high-level posts for reduction was stressed. In this respect, the Secretary-General would also propose a comprehensive restructuring of United Nations entities at Vienna, in accordance with draft resolution V;

(*b*) The adoption of the draft resolution would give rise to additional requirements in the amount of $83,900 under section 20 of the programme budget for the biennium 1990-1991; these requirements would constitute additional expenditures derived from legislative mandates not provided for in the programme budget and would therefore be subject to the guidelines for the use and operation of the contingency fund approved by the General Assembly in its resolution 42/211 of 21 December 1987;

(*c*) Moreover, an amount of $23,900 would be required under section 31, to be offset by a corresponding amount under income section 1.

* * *

DOCUMENTS A/45/900 AND ADD.1

Report of the Fifth Committee

*DOCUMENT A/45/900**

PART I OF THE REPORT

[*Original: Arabic*]
[*21 December 1990*]

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I. Introduction

1. At its 3rd plenary meeting, on 21 September 1990, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its forty-fifth session, as item 118, the item entitled "Programme budget for the biennium 1990-1991", and to allocate it to the Fifth Committee for consideration and report.

2. The Fifth Committee considered the item at its 6th, 11th, 14th to 16th, 18th, 20th to 23rd, 29th, 31st, 39th, 41st

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* Incorporating document A/45/900/Corr.1, dated 21 December 1990.

to 52nd, 55th and 56th meetings, between 10 October 1990 and 2 May 1991.

3. The comments and observations made in the course of the Fifth Committee's discussion of the item are reflected in the summary records of the meetings (A/C.5/45/SR.6, 11, 14-16, 18, 20-23, 29, 31, 39, 41-52, 55 and 56).

4. Section II of the present report contains a summary of the recommendations made by the Fifth Committee during the current session on the revised estimates submitted by the Secretary-General, as well as on the programme budget implications of resolutions adopted by the General Assembly, either on the recommendation of its Main Committee's or in respect of items dealt with in plenary meeting.

5. Section III of the report provides a summary of the special subjects considered by the Fifth Committee, other than the programme budget implications of draft resolutions, which led to the adoption of specific decisions to be recommended to the General Assembly.

6. The recommendation of the Fifth Committee is contained in section IV of the present report.

II. Programme budget for the biennium 1990-1991

7. By its resolutions 44/202 A and B of 21 December 1989, the General Assembly approved appropriations for the biennium 1990-1991 in the amount of $1,974,634,000 and estimates of income in the amount of $367,226,200.

8. Recommendations made by the Fifth Committee during the current session on revised estimates submitted by the Secretary-General, as well as on the programme budget implications of resolutions adopted by the General Assembly under items considered by other Main Committees or in respect of items dealt with in plenary meeting, have resulted in net increases in the approved level of appropriations in the amount of $159,438,100 and net increases in the approved estimates of income in the amount of $14,527,600.

9. The revised estimates of expenditure and income approved by the Fifth Committee and the financial implications of resolutions adopted by the General Assembly either on the recommendation of its other Main Committees or in respect of items dealt with in plenary meeting are indicated, by expenditure and income section, below:

Section	*Approved under General Assembly resolutions 44/202 A and B*	*Increase or (decrease) approved at the current session*	*Total*
	(United States dollars)		
Expenditure sections			
1. Ov[illegible] policy-making, direction and co-ordination	59 705 000		
(*a*) Situation in Afghanistan and its implications for international peace and security (A/C.5/45/25 and Corr.1, A/45/7/Add.4, A/C.5/45/SR.21 and 23, A/45/710, General Assembly resolution 45/12)		6 150 000	
(*b*) Electoral assistance to Haiti (A/C.5/45/13; A/45/7 and Add.1-14, annex, paras. 1-10; A/C.5/45/SR.6; A/45/606; General Assembly resolution 45/2; A/C.5/45/67; A/45/7 and Add.1-14, annex, paras. 72-75; A/C.5/45/SR.47 and 50)		5 000 000	
(*c*) Optical disc storage and retrieval system (A/C.5/45/58; A/45/7 and Add.1-14, annex, para. 60; A/C.5/45/SR.46)		(237 500)	
(*d*) First performance report (A/C.5/45/45 and Add.1 and Add.1/Corr.1, A/45/7/Add.14, A/C.5/45/SR.49)		3 464 800	
(*e*) Recosting of programme budget implications and revised estimates (A/C.5/45/74, A/C.5/45/SR.51)		1 890 000	
		16 267 300	75 972 300
2A. Political and Security Council affairs; peace-keeping activities	88 089 300		
First performance report (see sect. 1 above)		3 082 900	
		3 082 900	91 172 200
2B. Disarmament affairs activities	11 184 500		
(*a*) Prevention of an arms race in outer space (A/C.5/45/46; see A/45/7 and Add.1-14, annex, paras. 22-28; A/C.5/45/SR.39; A/45/811; General Assembly resolution 45/55 B)		64 400	
(*b*) General and complete disarmament: defensive security concepts and policies (A/C.5/45/47; see A/45/7 and Add.1-14, annex, paras. 22-28; A/C.5/45/SR.39; A/45/813; General Assembly resolution 45/58 O)		170 700	
(*c*) Implementation of the Declaration on the Denuclearization of Africa (A/C.5/45/49; see A/45/7 and Add.1-14, annex, paras. 22-28; A/C.5/45/SR.39; A/45/812; General Assembly resolution 45/56 A)		28 800	

Section		Approved under General Assembly resolutions 44/202 A and B	Increase or (decrease) approved at the current session	Total
		(United States dollars)		
	(*d*) General and complete disarmament: charting potential uses of resources allocated to military activities for civilian endeavours to protect the environment (A/C.5/45/50; see A/45/7 and Add.1-14, annex, paras. 22-28; A/C.5/45/SR.39; A/45/813; General Assembly resolution 45/58 N)		144 400	
	(*e*) United Nations Institute for Disarmament Research (A/C.5/45/51; see A/45/7 and Add.1-14, annex, paras. 22-28; A/C.5/45/SR.39; A/45/814, General Assembly resolution 45/62 G)		52 600	
	(*f*) First performance report (see sect. 1 above)		636 900	
	(*g*) Recosting of programme budget implications and revised estimates (*idem*)		64 300	
			1 162 100	12 346 600
2C.	Office for Ocean Affairs and the Law of the Sea	8 196 900		
	First performance report (see sect. 1)		175 400	
			175 400	8 372 300
3.	Political affairs, trusteeship and decolonization	35 988 200		
	(*a*) Revised estimates (A/C.5/45/2, A/45/7/Add.2, A/C.5/45/SR.18 and 50)		(12 203 400)	
	(*b*) First performance report (see sect. 1 above)		1 536 600	
	(*c*) Recosting of programme budget implications and revised estimates (*idem*)		(558 600)	
			(11 225 400)	24 762 800
4.	Policy-making organs (economic and social activities	2 163 100		
	(*a*) United Nations Conference on Environment and Development (A/C.5/45/65; A/45/7 and Add.1-14, annex, paras. 51-55; A/C.5/45/SR.44)		6 104 700	
	(*b*) First performance report (see sect. 1 above)		184 900	
	(*c*) Recosting of programme budget implications and revised estimates (*idem*)		867 700	
			7 157 300	9 320 400
5A.	Office of the Director-General for Development and International Economic Co-operation	4 670 800		
	(*a*) Critical economic situation in Africa: Report of the United Nations Secretary-General's Expert Group on African Commodity Problems (A/C.5/45/56; A/45/7 and Add.1-14, annex, paras. 20 and 21; A/C.5/45/SR.39; A/45/816; General Assembly resolution 45/178 B)		50 000	
	(*b*) New and renewable sources of energy (A/C.5/45/71; A/45/7 and Add.1-14, annex, paras. 64 and 65; A/C.5/45/SR.47; A/45/873; General Assembly resolution 45/208)		10 000	
	(*c*) First performance report (see sect. 1 above)		180 900	
	(*d*) Recosting of programme budget implications and revised estimates (*idem*)		700	
			241 600	4 912 400
5B.	Regional Commissions New York Office	855 300		
	First performance report (see sect. 1 above)		34 400	
			34 400	889 700
6.	Department of International Economic and Social Affairs	46 814 800		
	(*a*) New and renewable sources of energy (see sect. 5A above)		177 500	
	(*b*) First performance report (see sect. 1 above)		2 228 900	
	(*c*) Recosting of programme budget implications and revised estimates (*idem*)		10 200	
			2 416 600	49 231 400

Section		*Approved under General Assembly resolutions 44/202 A and B*	*Increase or (decrease) approved at the current session*	*Total*
		(United States dollars)		
7.	Department of Technical Co-operation for Development	23 853 200		
	First performance report (see sect. 1 above)		1 130 000	
			1 130 000	24 983 200
8.	Activities on global social development issues	9 985 700		
	(*a*) Revised estimates resulting from decisions of the Economic and Social Council at its first and second regular sessions of 1990 (A/C.5/45/31, A/45/7/Add.8, A/C.5/45/SR.41)		31 000	
	(*b*) First performance report (see sect. 1 above)		1 154 400	
	(*c*) Crime prevention and criminal justice (A/C.5/45/59; A/45/7 and Add.1-14, annex, paras. 30-33; A/C.5/45/SR.42; A/45/845; General Assembly resolutions 45/107, 45/108, 45/110, 45/112, 45/115-45/119 and 45/121)		364 900	
	(*d*) Recosting of programme budget implications and revised estimates (see sect. 1 above)		75 600	
			1 625 900	11 611 600
9.	Transnational corporations	10 919 200		
	(*a*) Revised estimates resulting from decisions of the Economic and Social Council at its first and second regular sessions of 1990 (see sect. 8 above)		180 000	
	(*b*) First performance report (see sect. 1 above)		538 700	
	(*c*) Recosting of programme budget implications and revised estimates (*idem*)		11 300	
			730 000	11 649 200
10.	Economic Commission for Europe	33 089 300		
	(*a*) United Nations Conference on Environment and Development (see sect. 4 above)		20 000	
	(*b*) First performance report (see sect. 1 above)		4 544 400	
	(*c*) Recosting of programme budget implications and revised estimates (*idem*)		3 400	
			4 567 800	37 657 100
11.	Economic and Social Commission for Asia and the Pacific	39 791 400		
	(*a*) United Nations Conference on Environment and Development (see sect. 4 above)		85 000	
	(*b*) First performance report (see sect. 1 above)		1 417 200	
	(*c*) Recosting of programme budget implications and revised estimates (*idem*)		2 300	
			1 504 500	41 295 900
12.	Economic Commission for Latin America and the Caribbean	49 010 700		
	(*a*) United Nations Conference on Environment and Development (see sect. 4 above)		95 000	
	(*b*) First performance report (see sect. 1 above)		8 197 500	
	(*c*) Recosting of programme budget implications and revised estimates (*idem*)		2 700	
			8 295 200	57 305 900
13.	Economic Commission for Africa	57 725 700		
	(*a*) Revised estimates (see sect. 3 above)		1 716 500	
	(*b*) Revised estimates resulting from decisions of the Economic and Social Council at its first and second regular sessions of 1990 (see sect. 8 above)		240 000	
	(*c*) Economic and Social Council resolution 1990/72 (A/C.5/45/31, A/45/7/Add.8, A/C.5/45/SR.41)		392 200	
	(*d*) United Nations Conference on Environment and Development (see sect. 4 above)		35 000	
	(*e*) First performance report (see sect. 1 above)		(879 100)	

Section		*Approved under General Assembly resolutions 44/202 A and B*	*Increase or (decrease) approved at the current session*	*Total*
		(United States dollars)		
	(*f*) Recosting of programme budget implications and revised estimates (*idem*)		76 800	
			1 581 400	59 307 100
14.	Economic and Social Commission for Western Asia	38 595 400		
	(*a*) United Nations Conference on Environment and Development (see sect. 4 above)		35 000	
	(*b*) First performance report (see sect. 1 above)		5 307 200	
	(*c*) Recosting of programme budget implications and revised estimates (*idem*)		400	
			5 342 600	43 938 000
15.	United Nations Conference on Trade and Development	73 107 600		
	(*a*) Implementation of the Programme of Action for the Least Developed Countries for the 1990s (A/C.5/45/69; A/45/7 and Add.1-14, annex, paras. 66-71; A/C.5/45/SR.47; A/45/872; General Assembly resolution 45/206)		387 500	
	(*b*) First performance report (see sect. 1 above)		10 839 800	
	(*c*) Recosting of programme budget implications and revised estimates (*idem*)		46 300	
			11 273 600	84 381 200
16.	International Trade Centre	15 400 800		
	First performance report (see sect. 1 above)		1 454 900	
			1 454 900	16 855 700
17.	Centre for Science and Technology for Development	4 298 800		
	First performance report (see sect. 1 above)		192 100	
			192 100	4 490 900
18.	United Nations Environment Programme	11 195 600		
	First performance report (see sect. 1 above)		380 600	
			380 600	11 576 200
19.	United Nations Centre for Human Settlements (Habitat)	9 937 800		
	First performance report (see sect. 1 above)		673 900	
			673 900	10 611 700
20.	International drug control	8 333 600		
	(*a*) International action to combat drug abuse and illicit trafficking (A/C.5/45/64, A/45/7/Add.11, A/C.5/45/SR.46 and 50, A/45/893, General Assembly resolution 45/179)		83 900	
	(*b*) Global programme of action against drugs (A/C.5/45/27, A/45/7/Add.11, A/C.5/45/SR.46 and 50)		911 900	
	(*c*) First performance report (see sect. 1 above)		1 099 800	
	(*d*) Recosting of programme budget implications and revised estimates (*idem*)		110 800	
			2 206 400	10 540 000
21.	Office of the United Nations High Commissioner for Refugees	34 180 100		
	First performance report (see sect. 1 above)		4 680 200	
			4 680 200	38 860 300
22.	Office of the United Nations Disaster Relief Co-ordinator	6 481 200		
	First performance report (see sect. 1 above)		834 600	
			834 600	7 315 800
23.	Human rights			
	(*a*) Developments relating to the activities of the Centre for Human Rights (A/C.5/45/66; A/45/7 and Add.1-14, annex, paras. 56-59; A/C.5/45/SR.44, 45 and 50)		120 300	
	(*b*) First performance report (see sect. 1 above)		2 803 500	

Section		*Approved under General Assembly resolutions 44/202 A and B*	*Increase or (decrease) approved at the current session*	*Total*
			(United States dollars)	
	(*c*) Recosting of programme budget implications and revised estimates (*idem*)		14 700	
			2 938 500	19 044 200
24.	Regular programme of technical co-operation	36 163 200		
	First performance report (see sect. 1 above)		1 340 700	
			1 340 700	37 503 900
25.	International Court of Justice	13 333 000		
	First performance report (see sect. 1 above)		1 416 000	
			1 416 000	14 749 000
26.	Legal activities	18 766 500		
	First performance report (see sect. 1 above)		1 211 200	
			1 211 200	19 977 700
27.	Public information	87 225 400		
	(*a*) Revised estimates (see sect. 3 above)		(146 000)	
	(*b*) First performance report (see sect. 1 above)		4 561 300	
	(*c*) Policies of *apartheid* of the Government of South Africa (A/C.5/45/68; A/45/7 and Add.1-14, annex, para. 62; A/C.5/45/SR.47; A/45/871; General Assembly resolution 45/176 E)		117 000	
	(*d*) Recosting of programme budget implications and revised estimates (see sect. 1 above)		13 800	
			4 546 100	91 771 500
28.	Administration and management	397 759 500		
	First performance report (see sect. 1 above)		36 261 400	
			36 261 400	434 020 900
29.	Conference and library services	352 777 600		
	(*a*) Optical disc storage and retrieval system (see sect. 1 above)		237 500	
	(*b*) First performance report (*idem*)		31 256 100	
	(*c*) Recosting of programme budget implications and revised estimates (*idem*)		72 000	
			31 565 600	384 343 200
30.	United Nations bond issue	-	-	
31.	Staff assessment	298 390 400		
	(*a*) Revised estimates (see sect. 3 above)		(772 100)	
	(*b*) Situation in Afghanistan and its implications for international peace and security (see sect. 1 above)		336 100	
	(*c*) Global programme of action against drugs (see sect. 20 above)		178 800	
	(*d*) United Nations Conference on Environment and Development (see sect. 4 above)		1 303 600	
	(*e*) Implementation of the Programme of Action for the Least Developed Countries for the 1990s (see sect. 15 above)		87 500	
	(*f*) First performance report (see sect. 1 above)		10 399 200	
	(*g*) Prevention of an arms race in outer space (see sect. 2B above)		1 400	
	(*h*) General and complete disarmament: defensive security concepts and policies (*idem*)		2 400	
	(*i*) General and complete disarmament: charting potential uses of resources allocated to military activities for civilian endeavours to protect the environment (*idem*)		1 600	
	(*j*) United Nations Institute for Disarmament Research (*idem*)		1 400	
	(*k*) Crime prevention and criminal justice (see sect. 8 above)		35 000	
	(*l*) International action to combat drug abuse and illicit trafficking (see sect. 20 above)		23 900	

Section	*Approved under General Assembly resolutions 44/202 A and B*	*Increase or (decrease) approved at the current session*	*Total*
	(United States dollars)		
(*m*) Developments relating to the activities of the Centre for Human Rights (see sect. 23 above)		27 500	
(*n*) Electoral assistance to Haiti (see sect. 1 above)		344 000	
(*o*) Recosting of programme budget implications and revised estimates (*idem*)		99 800	
		12 070 100	310 460 500
32. Construction, alteration, improvement and major maintenance of premises	70 538 700		
First performance report (see sect. 1 above)		2 302 600	
		2 302 600	72 841 300
TOTAL, EXPENDITURE SECTIONS	1 974 634 000	159 438 100	2 134 072 100
INCOME SECTIONS			
1. Income from staff assessment	303 040 800		
(*a*) Revised estimates (see expenditure sect. 3 above)		(772 100)	
(*b*) Situation in Afghanistan and its implications for international peace and security (see expenditure sect. 1 above)		336 100	
(*c*) Global programme of action against drugs (see expenditure sect. 20 above)		178 800	
(*d*) United Nations Conference on Environment and Development (see expenditure sect. 4 above)		1 303 600	
(*e*) Implementation of the Programme of Action for the Least Developed Countries for the 1990s (see expenditure sect. 15 above)		87 500	
(*f*) First performance report (see expenditure sect. 1 above)		10 721 800	
(*g*) Prevention of an arms race in outer space (see expenditure sect. 2B above)		1 400	
(*h*) General and complete disarmament: defensive security concepts and policies (*idem*)		2 400	
(*i*) General and complete disarmament: charting potential uses of resources allocated to military activities for civilian endeavours to protect the environment (*idem*)		1 600	
(*j*) United Nations Institute for Disarmament Research (*idem*)		1 400	
(*k*) Crime prevention and criminal justice (see expenditure sect. 8 above)		35 000	
(*l*) International action to combat drug abuse and illicit trafficking (see expenditure sect. 20 above)		23 900	
(*m*) Developments relating to the activities of the Centre for Human Rights (see expenditure sect. 23 above)		27 500	
(*n*) Electoral assistance to Haiti (see expenditure sect. 1 above)		344 000	
(*o*) Recosting of programme budget implications and revised estimates (*idem*)		99 800	
		12 392 700	315 433 500
2. General income	54 524 200		
First performance report (see expenditure sect. 1 above)		4 901 100	
		4 901 100	59 425 300
3. Revenue-producing activities	9 661 200		
First performance report (see expenditure sect. 1 above)		(2 766 200)	
		(2 766 200)	6 895 000
TOTAL, INCOME SECTIONS	367 226 200	14 527 600	381 753 800

10. At its 52nd meeting, on 21 December 1990, the Fifth Committee considered the revised estimates of expenditure and income to be recommended for approval by the General Assembly for the biennium 1990-1991, as well as a draft resolution on the financing of the appropriations for the year 1991, contained in the draft report of the Committee (A/C.5/45/L.15 and Corr.1 and 2). The Committee took the following action:

(*a*) The Committee approved the revised budget appropriations for the biennium 1990-1991 (see para. 58 below, draft resolution V A);

(*b*) The Committee approved the revised income estimates for the biennium 1990-1991 (see para. 58 below, draft resolution V B);

(*c*) The Committee approved the draft resolution on the financing of the appropriations for the year 1991 (see para. 58 below, draft resolution V C).

III. Consideration of special subjects

1. *First report of the Advisory Committee on Administrative and Budgetary Questions*

11. The Fifth Committee considered the first report of the Advisory Committee on Administrative and Budgetary Questions (A/45/7) at its 14th meeting, on 23 October 1990.

12. At the same meeting, the Committee decided, without a vote, to recommend to the General Assembly that it take note with appreciation of the first report of the Advisory Committee (see para. 58 below, draft resolution I A, sect. I).

2. *Work-load standards for various categories of conference-servicing staff, including clerical and typing staff, and work-load statistics for the various conference services in the 1986-1987 and 1988-1989 bienniums*

13. The Committee considered this question at its 14th to 16th meetings, between 23 and 29 October. It had before it the report of the Secretary-General (A/C.5/45/1) and the related report of the Advisory Committee (A/45/7/Add.1).

14. At the 16th meeting, the representative of the United States of America introduced a draft decision (A/C.5/45/L.3).

15. At the same meeting, the Fifth Committee decided, without a vote, to recommend to the General Assembly the adoption of draft decision A/C.5/45/L.3 (see para. 58 below, draft resolution I A, sect. II).

3. *International Computing Centre: 1991 budget estimates*

16. The Committee considered this question at its 29th meeting, on 15 November. It had before it the report of the Secretary-General (A/C.5/45/9) and the related report of the Advisory Committee (A/45/7/Add.3).

17. At the same meeting, the Committee decided, without a vote, to recommend that the General Assembly approve the 1991 budget estimates of the International Computing Centre, amounting to $US 10,515,500 or SwF 16,930,000, as contained in the report of the Secretary-General (see para. 58 below, draft resolution I A, sect. III).

4. *Recommendation of the Advisory Board on Disarmament Matters*

18. The Committee considered this question at its 29th and 31st meetings, on 15 and 19 November. It had before it the note of the Secretary-General (A/C.5/45/6) and the related report of the Advisory Committee (A/45/7/Add.5).

19. At its 31st meeting, the Committee decided to recommend to the General Assembly that it concur with the recommendations made by the Advisory Committee in paragraphs 6 and 7 of its report (see para. 58 below, draft resolution I A, sect. IV).

5. *African Institute for Economic Development and Planning*

20. At its 41st meeting, on 7 December, the Committee considered the report of the Secretary-General (A/C.5/45/31) and the related report of the Advisory Committee (A/45/7/Add.8).

21. At the same meeting, the Committee decided to recommend that the General Assembly endorse the recommendations of the Advisory Committee contained in paragraph 14 of its report (see para. 58 below, draft resolution I A, sect. V).

6. *Comprehensive review of the after-service health insurance programme*

22. The Committee considered this question at its 41st meeting. It had before it the report of the Secretary-General (A/C.5/45/33) and the related report of the Advisory Committee (A/45/7/Add.9).

23. At the same meeting, the Committee decided, without a vote, to recommend that the General Assembly take note of the report of the Secretary-General and the related report of the Advisory Committee (see para. 58 below, draft resolution I A, sect. VI).

7. *Functioning and administrative support of departments having mandates related to global social development issues*

24. The Committee considered this question at its 41st meeting. It had before it the report of the Secretary-General (A/C.5/45/4), and the related report of the Advisory Committee (A/45/7/Add.6).

25. At the same meeting, the Committee decided, without a vote, to recommend that the General Assembly take note of the report of the Secretary-General (see para. 58 below, draft resolution I A, sect. VII).

8. *Conference services and Division of Administrative and Common Services at Vienna*

26. The Committee considered this question at its 41st meeting. It had before it the reports of the Secretary-General (A/C.5/45/30 and A/C.5/45/32), the related report of the Advisory Committee (A/45/7/Add.6) and comments from the United Nations Industrial Development Organization (UNIDO) (see A/C.5/45/62 and A/C.5/45/63).

27. At the same meeting, the Committee decided, without a vote, to recommend that the General Assembly take note of the reports of the Secretary-General and the related comments of UNIDO and endorse the conclusions and recommendations of the Advisory Committee contained in

paragraphs 11, 25, 27 and 28 of its report (see para. 58 below, draft resolution I A, sect. VIII).

9. *Integrated management information system project*

28. The Committee considered this question at its 44th meeting, on 12 December. It had before it the report of the Secretary-General (A/C.5/45/20). The related report of the Advisory Committee was presented orally by its Chairman (A/45/7 and Add.1-14, annex, para. 42).

29. At the same meeting, the Committee decided, without a vote, to recommend that the General Assembly take note of the report of the Secretary-General, and reiterate its request that the Secretary-General report to the Assembly on the cost benefits of the project (see para. 58 below, draft resolution I A, sect. IX).

10. *Construction of additional conference facilities at Addis Ababa and Bangkok*

30. The Committee considered this question at its 44th meeting. It had before it the report of the Secretary-General (A/C.5/45/53). The related report of the Advisory Committee was presented orally by its Chairman (A/45/7 and Add.1-14, annex, paras. 44-46).

31. At the same meeting, the Committee decided to recommend that the General Assembly take note of the report of the Secretary-General and request the Secretary-General to proceed with the projects in accordance with the revised timetables (see para. 58 below, draft resolution I A, sect. X).

11. *Functioning of the multinational programming and operational centres of the Economic Commission for Africa*

32. The Committee considered this question at its 44th meeting. It had before it the report of the Secretary-General (A/C.5/45/57). The related report of the Advisory Committee was presented orally by its Chairman (A/45/7 and Add.1-14, annex, paras. 47-50).

33. At the same meeting, the Committee decided, without a vote, to recommend that the General Assembly take note of the report of the Secretary-General and endorse the recommendations of the Advisory Committee (see para. 58 below, draft resolution I A, sect. XI).

12. *United Nations Conference on Environment and Development*

34. The Committee considered this question at its 44th meeting. It had before it the report of the Secretary-General (A/C.5/45/65). The related report of the Advisory Committee was presented orally by its Chairman (A/45/7 and Add.1-14, annex, paras. 51-55).

35. At the same meeting, the Committee decided to recommend that the General Assembly approve the recommendation of the Preparatory Committee for the United Nations Conference on Environment and Development, as outlined in paragraph 37 of the report of the Secretary-General (see para. 58 below, draft resolution I A, sect. XII).

13. *Standards of accommodation for air travel*

36. The Committee considered this question at its 44th and 46th meetings, on 12 and 14 December. It had before it the report of the Secretary-General (A/C.5/45/28 and Corr.1). The related report of the Advisory Committee was presented orally by its Chairman (A/45/7 and Add.1-14, annex, para. 43).

37. At the 46th meeting, the representative of India submitted a proposal. At the same meeting, the representatives of Chile, Ghana and Denmark proposed amendments to the proposal submitted by the representative of India. Also at the same meeting, the Fifth Committee decided to recommend to the General Assembly that it take note of the report of the Secretary-General and adopt the proposal, as amended, submitted by the representative of India (see para. 58 below, draft resolution I A, sect. XIII).

14. *Conditions of service and compensation for officials other than Secretariat officials, serving the General Assembly—Chairman and Vice-Chairman of the International Civil Service Commission and Chairman of the Advisory Committee on Administrative and Budgetary Questions*

38. The Committee considered this question at its 45th and 46th meetings, on 13 and 14 December. It had before it the report of the Secretary-General (A/C.5/45/21) and the related report of the Advisory Committee (A/45/7/Add.13).

39. At the 45th meeting, the Chairman introduced a draft resolution (A/C.5/45/L.6). At its 46th meeting, the Committee adopted draft resolution A/C.5/45/L.6 (see para. 58 below, draft resolution II).

15. *Optical disk storage and retrieval system*

40. The Committee considered this question at its 46th meeting, on 14 December. It had before it the report of the Secretary-General (A/C.5/45/58). The Committee decided to recommend to the General Assembly that it defer until its forty-sixth session consideration of the report and that it request the Secretariat to conduct consultations with permanent missions in order to determine the appropriateness of making the system compatible with those of the permanent missions and report to the Assembly on this matter at its forty-sixth session. The Committee also decided to recommend to the Assembly that it empower the Advisory Committee to authorize the Secretary-General to enter into commitments for the additional requirements necessary for 1991, on the understanding that the additional appropriations would have first call on the contingency fund of the programme budget for the biennium 1990-1991 at the forty-sixth session (see para. 58 below, draft resolution I A, sect. XIV).

16. *Conditions of service and compensation for officials other than Secretariat officials—members of the International Court of Justice*

41. The Committee considered this question at its 46th meeting. It had before it the report of the Secretary-General (A/C.5/45/44) and the related report of the Advisory Committee (A/45/7/Add.10).

42. At the same meeting, the Chairman introduced a draft resolution (A/C.5/45/L.7), and the Committee adopted it (see para. 58 below, draft resolution III).

17. *Salary and retirement allowance of the Secretary-General and salary and pensionable remuneration of the Director-General for Development and International Economic Co-operation and the Administrator of the United Nations Development Programme*

43. The Committee considered this question at its 47th meeting, on 15 December. It had before it the report of the Advisory Committee (A/45/7/Add.12), which contained in its annex, a draft resolution recommended for adoption.

44. At the same meeting, the Committee adopted the draft resolution recommended by the Advisory Committee in its report (see para. 58 below, draft resolution IV).

18. *Revised estimates under sections 3, 13, 27, 31 and income section 1*

45. The Committee considered this question at its 18th and 50th meetings, on 31 October and 19 December. It had before it the report of the Secretary-General (A/C.5/45/2) and the related report of the Advisory Committee (A/45/7/Add.2).

46. At the 50th meeting, the Chairman of the Fifth Committee, following informal consultations, introduced a draft resolution (see A/C.5/45/L.19). At the same meeting, the Fifth Committee adopted the draft resolution (see para. 58 below, draft resolution I B, sect. I).

19. *Review of translation and interpretation services for all official languages in the Economic Commission for Africa*

47. The Committee considered this question at its 29th and 50th meetings, on 15 November and 19 December. It had before it the report of the Secretary-General (A/C.5/45/26). The related report of the Advisory Committee was presented orally by its Chairman (A/45/7 and Add.1-14, annex, paras. 14 and 15).

48. At the 50th meeting, the Chairman of the Fifth Committee, following informal consultations, introduced a draft resolution (see A/C.5/45/L.19). At the same meeting, the Committee adopted the draft resolution (see para. 58 below, draft resolution I B, sect. II).

20. *Electoral assistance to Haiti*

49. The Committee considered this question at its 6th, 47th and 50th meetings, between 10 October and 19 December. It had before it the reports of the Secretary-General (A/C.5/45/13 and A/C.5/45/67). The related reports of the Advisory Committee were presented orally by its Chairman (A/45/7 and Add.1-14, annex, paras. 1-10 and 72-75).

50. At the 50th meeting, the Chairman of the Fifth Committee, following informal consultations, introduced a draft resolution (see A/C.5/45/L.19). At the same meeting, the Fifth Committee adopted the draft resolution (see para. 58 below, draft resolution I B, sect. III).

21. *International action to combat drug abuse and illicit trafficking*

51. The Committee considered this question at its 46th and 50th meetings, on 14 and 19 December. It had before it the report of the Advisory Committee (A/45/7/Add.11).

52. At the 50th meeting, the Chairman of the Fifth Committee, following informal consultations, introduced a draft resolution (see A/C.5/45/L.19). At the same meeting, the Fifth Committee adopted the draft resolution (see para. 58 below, draft resolution I B, sect. IV).

22. *Developments relating to the activities of the Centre for Human Rights*

53. The Committee considered this question at its 44th, 45th and 50th meetings, between 12 and 19 December. It had before it the report of the Secretary-General (A/C.5/45/66). The related report of the Advisory Committee was presented orally by its Chairman (A/45/7 and Add.1-14, annex, paras. 56-59).

54. At the 50th meeting, the Chairman of the Fifth Committee, following informal consultations, introduced a draft resolution (see A/C.5/45/L.19). At the same meeting, the Fifth Committee adopted the draft resolution (see para. 58 below, draft resolution I B, sect. V).

23. *Procedures for administrative and budgetary matters*

55. The Committee considered this question at its 50th meeting. The Chairman of the Committee, following informal consultations, introduced a draft resolution (see A/C.5/45/L.19). At the same meeting, the Committee adopted the draft resolution (see para. 58 below, draft resolution I B, sect. VI).

24. *The contingency fund: consolidated statement of programme budget implications and revised estimates*

56. The Committee considered this question at its 51st meeting, on 20 December. It had before it the report of the Secretary-General (A/C.5/45/73). The related report of the Advisory Committee was presented orally by its Chairman (A/45/7 and Add.1-14, annex, paras. 82 and 83).

57. At the same meeting, the Committee decided to recommend that the General Assembly appropriate the required amounts as contained in the report of the Secretary-General. The Committee also decided to recommend to the Assembly that it note that a balance of $3,218,700 would remain in the contingency fund (see para. 58 below, draft resolution I A, sect. XV).

IV. ***Recommendation of the Fifth Committee***

58. The Fifth Committee recommends to the General Assembly the adoption of draft resolutions I A and B, II, III A to C, IV and V A to C below:

Draft resolution I

QUESTIONS RELATING TO THE PROGRAMME BUDGET FOR THE BIENNIUM 1990-1991

A

The General Assembly

I

FIRST REPORT OF THE ADVISORY COMMITTEE ON ADMINISTRATIVE AND BUDGETARY QUESTIONS

Takes note with appreciation of the first report of the Advisory Committee on Administrative and Budgetary Questions (A/45/7);

II

WORK-LOAD STANDARDS FOR VARIOUS CATEGORIES OF CONFERENCE-SERVICING STAFF, INCLUDING CLERICAL AND TYPING STAFF, AND WORK-LOAD STATISTICS FOR THE VARIOUS CONFERENCE SERVICES IN THE 1986-1987 AND 1988-1989 BIENNIUMS

Having considered the report of the Secretary-General on work-load standards for conference-servicing staff (A/C.5/45/1) and the related report of the Advisory Committee on Administrative and Budgetary Questions (A/45/7/Add.1),

1. *Takes note* of the Secretary-General's revised work-load standards, as modified by the Advisory Committee on Administrative and Budgetary Questions;

2. *Notes* that the revised work-load standards reflect a further step towards enhanced productivity of conference-servicing staff, including improvements achieved through the application of new technologies;

3. *Urges* the Secretary-General and the Advisory Committee to keep these standards under review in order further to enhance economy and efficiency in conference-servicing activities;

4. *Requests* the Secretary-General to pursue through the Administrative Committee on Co-ordination the elaboration of unified work-load standards for conference-servicing staff within the United Nations common system and to report thereon, through the Advisory Committee, to the General Assembly at its forty-seventh session;

5. *Requests* the Advisory Committee to review with the organizations of the United Nations system during this time the efforts being undertaken to achieve the harmonization of work-load standards in conference-servicing of all organizations of the United Nations system;

6. *Requests* the Secretary-General to report to the General Assembly at its forty-seventh session, through the Advisory Committee, on progress relating to the further development of work-load standards in conference-servicing for all United Nations conference facilities, including those of the regional commissions;

III

INTERNATIONAL COMPUTING CENTRE: 1991 BUDGET ESTIMATES

Approves the 1991 budget estimates of the International Computing Centre, amounting to 10,515,500 United States dollars, as contained in the report of the Secretary-General (A/C.5/45/9);

IV

RECOMMENDATION OF THE ADVISORY BOARD ON DISARMAMENT MATTERS

Concurs with the recommendations of the Advisory Committee on Administrative and Budgetary Questions in paragraphs 6 and 7 of its report (A/45/7/Add.5);

V

AFRICAN INSTITUTE FOR ECONOMIC DEVELOPMENT AND PLANNING

Concurring with the recommendations of the Advisory Committee on Administrative and Budgetary Questions in paragraph 14 of its report (A/45/7/Add.8),

1. *Requests* the Governing Council of the United Nations Development Programme to urge the Administrator of the Programme to implement fully Economic and Social Council resolution 1990/72 of 27 July 1990, as follows:

(*a*) To give its full backing to the short-term training programme and the research and advisory activities of the African Institute for Economic Development and Planning;

(*b*) To continue its support for the activities of the Institute;

2. *Requests* the Secretary-General to report to the General Assembly at its forty-sixth session on the implementation of its request to the Governing Council;

VI

COMPREHENSIVE REVIEW OF THE AFTER-SERVICE HEALTH INSURANCE PROGRAMME

Takes note of the report of the Secretary-General (A/C.5/45/33) and the related report of the Advisory Committee on Administrative and Budgetary Questions (A/45/7/Add.9);

VII

FUNCTIONING AND ADMINISTRATIVE SUPPORT OF THE DEPARTMENTS HAVING MANDATES RELATED TO GLOBAL SOCIAL DEVELOPMENT ISSUES

Takes note of the report of the Secretary-General (A/C.5/45/4);

VIII

CONFERENCE SERVICES AND DIVISION OF ADMINISTRATIVE AND COMMON SERVICES AT VIENNA

1. *Takes note* of the reports of the Secretary-General (A/C.5/45/30 and A/C.5/45/32) and the related comments of the United Nations Industrial Development Organization (see A/C.5/45/62 and A/C.5/45/63);

2. *Endorses* the conclusions and recommendations of the Advisory Committee on Administrative and Budgetary Questions contained in paragraphs 11, 25, 27 and 28 of its report (A/45/7/Add.6);

IX

INTEGRATED MANAGEMENT INFORMATION SYSTEM PROJECT

1. *Takes note* of the report of the Secretary-General on the integrated management information system project (A/C.5/45/20);

2. *Reiterates its request* that the Secretary-General report to the General Assembly on the cost benefits of the project;

X

CONSTRUCTION OF ADDITIONAL CONFERENCE FACILITIES AT ADDIS ABABA AND BANGKOK

1. *Takes note* of the report of the Secretary-General on the construction of additional conference facilities at Addis Ababa and Bangkok (A/C.5/45/53);

2. *Requests* the Secretary-General to proceed with the projects in accordance with the revised timetables;

XI

FUNCTIONING OF THE MULTINATIONAL PROGRAMMING AND OPERATIONAL CENTRES OF THE ECONOMIC COMMISSION FOR AFRICA

1. *Takes note* of the report of the Secretary-General (A/C.5/45/57);

2. *Endorses* the recommendations of the Advisory Committee on Administrative and Budgetary Questions (see A/C.5/45/SR.44, and corrigendum);

XII

UNITED NATIONS CONFERENCE ON ENVIRONMENT AND DEVELOPMENT

Approves the recommendation that, on an exceptional basis, payment be made for daily subsistence for representatives of the least developed countries from the Voluntary Fund for Supporting Developing Countries Participating in the United Nations Conference on Environment and Development and its Preparatory Process;

XIII

STANDARDS OF ACCOMMODATION FOR AIR TRAVEL

1. *Takes note* of the report of the Secretary-General (A/C.5/45/28 and Corr.1);

2. *Reaffirms* its resolutions 41/213 of 19 December 1986 and 42/214 of 21 December 1987;

3. *Requests* the Secretary-General to review the existing arrangements in regard to payment of subsistence allowance and standards of air travel by representatives of Member States in their official capacity to attend meetings of various intergovernmental bodies and for other United Nations official work and to submit concrete proposals to the General Assembly at its forty-sixth session, through the Advisory Committee on Administrative and Budgetary Questions, with a view to ensuring consistency of travel arrangements within the United Nations;

4. *Also requests* the Secretary-General to examine how the discounts and other incentives offered by various airlines could be utilized to provide savings to the United Nations and upgraded travel arrangements to representatives of Member States, experts attending meetings of subsidiary bodies and the Secretariat staff without incurring any additional expenditure and to include his recommendations in this regard in his report to the General Assembly at its forty-sixth session;

5. *Further requests* the Secretary-General, in the interim, to continue to exercise his discretion in respect of business class travel for United Nations official work, taking into account the status of the traveller and in the light of the views expressed by Member States at the forty-fifth session of the General Assembly;[1]

6. *Requests* the Secretary-General to include in his report to the General Assembly at its forty-sixth session information on the meetings attended by eminent persons for whom exceptions have been made for first class travel;

7. *Decides* to review at its forty-sixth session the arrangements regarding the payment of subsistence allowance and accommodation for air travel on the basis of the report of the Secretary-General to the General Assembly at its forty-sixth session;

XIV

OPTICAL DISC STORAGE AND RETRIEVAL SYSTEM

1. *Decides* to defer until its forty-sixth session consideration of the report of the Secretary-General on the optical disc storage and retrieval system (A/C.5/45/58);

2. *Requests* the Secretariat to carry out consultations with the permanent missions in order to determine the appropriateness of making the system compatible with those of permanent missions and to report thereon to the General Assembly at its forty-sixth session;

3. *Empowers* the Advisory Committee on Administrative and Budgetary Questions to authorize the Secretary-General to enter into commitments for additional requirements necessary for 1991, on the understanding that such appropriations as may be necessary for 1991 would have first call on the contingency fund of the programme budget for the biennium 1990-1991 at the forty-sixth session;

XV

CONTINGENCY FUND

Notes that a balance of 3,218,700 dollars remains in the contingency fund.

B

The General Assembly

I

REVISED ESTIMATES UNDER SECTIONS 3, 13, 27, 31 AND INCOME SECTION 1

Section 3C. Namibia

1. *Reaffirms* its resolutions 44/243 A and B of 11 September 1990, by which, *inter alia*, it dissolved the United Nations Council for Namibia and authorized the orderly completion of the programmes and activities for Namibia during the period 1990-1994;

2. *Decides*, having taken note of the recommendation of the Advisory Committee on Administrative and Budgetary Questions in paragraph 4 of its report (A/45/7/Add.2) and of the request made by the Government of Namibia for the holding of a seminar on programme planning for the national reconstruction and development of Namibia, to appropriate an amount of 241,800 United States dollars for this seminar in the programme budget for the biennium 1990-1991;

3. *Accepts* the recommendation of the Advisory Committee contained in paragraph 7 of its report regarding the urgency of the redeployment of the remaining staff of the Office of the United Nations Commissioner for Namibia, on the understanding that the Secretary-General will report, as necessary, to the Advisory Committee on this question in the course of 1991;

4. *Reiterates its request* to the Secretary-General to provide assistance to the Government of Namibia in the preparation of a comprehensive national census, taking into account the recommendations of the Advisory Committee in paragraph 9 of its report;

5. *Accepts* the proposals of the Secretary-General related to the residual obligations of the United Nations

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[1] Under this paragraph, the General Assembly requests the Secretary-General to provide business class tickets to permanent representatives of Member States accredited to the United Nations whenever they are invited to travel on official United Nations work.

Institute for Namibia whose operations have ceased on 30 September 1990, as decided in paragraphs 7 and 8 of resolution 44/243 B;

6. *Reiterates* its decision reflected in paragraph 15 of resolution 44/243 B that Namibians currently benefiting from assistance through the United Nations Educational and Training Programme for Southern Africa and through the United Nations Trust Fund for South Africa shall continue to be eligible for such assistance until they complete their programmes;

7. *Decides* that, in respect of the individual scholarship programme for Namibian students, should there be a shortfall in funding, the Secretary-General would be authorized to enter into commitments under the regular budget, subject to the prior concurrence of the Advisory Committee;

8. *Requests* the Secretary-General and the United Nations Trust Committee for the United Nations Fund for Namibia to give priority to the execution of the individual scholarship programme, including through an appeal early in 1991 for voluntary contributions;

9. *Also requests* the Secretary-General to report to the General Assembly at its forty-sixth session, through the Advisory Committee, on the financing of the individual scholarship programme for Namibian students;

Section 3B. Department for Special Political Questions, Regional Co-operation, Decolonization and Trusteeship

10. *Accepts* the proposal of the Secretary-General to establish a Transitional Unit for Namibia in the Department for Special Political Questions, Regional Co-operation, Decolonization and Trusteeship;

11. *Decides* that the Transitional Unit for Namibia shall be composed in 1991 of four temporary posts, two at the Professional level (1 P-5 and 1 P-3) and two at the General Service level;

12. *Accepts also* the proposal of the Secretary-General to redeploy within the Department for Special Political Questions, Regional Co-operation, Decolonization and Trusteeship, one Professional post (P-4 level) and one General Service post (other level) from Programme support services to the Unit for Special Emergency Programmes;

13. *Decides* that the functions of the Unit for Special Emergency Programmes shall be reviewed by the Secretary-General, as recommended by the Advisory Committee on Administrative and Budgetary Questions, in the context of the preparation of the proposed programme budget for the biennium 1992-1993;

Section 3D. Centre against Apartheid

14. *Takes note* of the proposals of the Secretary-General regarding the establishment and reclassification of posts in the Centre against *Apartheid*, and of the recommendations of the Advisory Committee on Administrative and Budgetary Questions thereon;

15. *Decides*, given the priority attached to activities against *apartheid*, to establish on a temporary basis one Professional post (P-3 level) and one General Service post (other level) in the Centre against *Apartheid;*

Section 13. Economic Commission for Africa

16. *Takes note* of the report of the Secretary-General (see A/C.5/45/2) and the recommendations of the Advisory Committee on Administrative and Budgetary Questions;

17. *Recognizes* that urgent action needs to be taken to establish adequate standards of technology and management to ensure the efficient functioning of the Economic Commission for Africa;

18. *Approves* the proposed office automation project of the Economic Commission for Africa set out in the report of the Secretary-General;

19. *Decides* to appropriate an amount of 1,716,500 dollars for this purpose under section 13 of the programme budget for the biennium 1990-1991, as an exceptional measure, without prejudice to the new budgetary procedure set out in General Assembly resolution 41/213 of 19 December 1986, particularly paragraph 10 of annex I thereto;

Section 27. Public information

20. *Takes note* of the proposals of the Secretary-General and the recommendations of the Advisory Committee on Administrative and Budgetary Questions on the financing of a new information centre, at Windhoek, in 1991;

21. *Recalls* recommendation 2 (*h*) contained in section II, paragraph 1, of its resolution 44/50 of 8 December 1989, and urges the Secretary-General to facilitate and expedite the establishment of an information centre at Windhoek;

22. *Requests* the Secretary-General to make the necessary arrangements, in consultation with the Government of Namibia, for organizing early in 1991 the briefings referred to in paragraph 82 (b) of his report (*ibid.*);

23. *Also requests* the Secretary-General to submit to the General Assembly at its forty-sixth session a report on the implementation of section I of the present resolution;

II

REVIEW OF TRANSLATION AND INTERPRETATION SERVICES FOR ALL OFFICIAL LANGUAGES IN THE ECONOMIC COMMISSION FOR AFRICA

Having considered the note by the Secretary-General on the review of the translation and interpretation services for all official languages in the Economic Commission for Africa (A/C.5/45/26),

1. *Expresses its concern* over the difficulties experienced by the Economic Commission for Africa, particularly in the area of conference services;

2. *Requests* the Secretary-General to take action for the revival of a training programme for translators/précis-writers in all official languages of the Economic Commission for Africa and to report to the General Assembly at its forty-sixth session, through the Advisory Committee on Administrative and Budgetary Questions, on the measures taken;

3. *Also requests* the Secretary-General to ensure that this training programme is comparable in quality with other similar United Nations training programmes and to make every effort to utilize existing facilities and expertise within the region;

4. *Invites* the Secretary-General to take appropriate measures to ensure the immediate recruitment of those candidates who, after completing their training, have passed the competitive translators/précis-writers examination;

5. *Further requests* the Secretary-General to make proposals in the proposed programme budget for the biennium 1992-1993 on the improvement of conference services in the Economic Commission for Africa, including the provision of a permanent staff for interpretation;

6. *Decides* to consider again the question of conference services for the Economic Commission for Africa at its forty-sixth session, in the context of the proposed programme budget for the biennium 1992-1993;

III

ELECTORAL ASSISTANCE TO HAITI

1. *Decides* to appropriate an amount of 5 million dollars to be placed provisionally under the custody of the Secretary-General under section 1 of the programme budget for the biennium 1990-1991, on the understanding that such a decision does not imply any judgement on the nature of the activities of the United Nations Observer Group for the Verification of Elections in Haiti;

2. *Also decides* that this amount is to be financed as a revised estimate arising from extraordinary expenses;

3. *Further decides* that this should not prejudge the way to treat revised estimates arising from extraordinary expenses as referred to in paragraph 11 of annex I to its resolution 41/213 of 19 December 1986;

IV

INTERNATIONAL ACTION TO COMBAT DRUG ABUSE AND ILLICIT TRAFFICKING

Taking into account all relevant resolutions on the overall number of regular budget high-level posts in the Organization,

Bearing in mind the need to maintain the overall integrity of the United Nations Office at Vienna,

Requests the Secretary-General to propose a comprehensive restructuring of United Nations entities at Vienna with a view to a speedy implementation of the expressed wish of the General Assembly both to strengthen the United Nations Office at Vienna and to consolidate the United Nations drug structures under an Under-Secretary-General;

V

DEVELOPMENTS RELATING TO THE ACTIVITIES OF THE CENTRE FOR HUMAN RIGHTS

1. *Decides* to accept the proposal for additional posts made by the Secretary-General in paragraph 8 of his report on developments relating to the activities of the Centre for Human Rights (A/C.5/45/66);

2. *Also decides* that the Secretary-General shall enter into commitments for further resources equivalent to 1 P-4, 1 P-3 and 2 General Service posts subject to review and concurrence by the Advisory Committee on Administrative and Budgetary Questions on the basis of the results of his management and work-load analysis which will be completed no later than January 1991;

VI

PROCEDURES FOR ADMINISTRATIVE AND BUDGETARY MATTERS

1. *Reaffirms* that the Fifth Committee is the appropriate Main Committee of the General Assembly entrusted with responsibilities for administrative and budgetary matters;

2. *Reaffirms also* the role of the Advisory Committee on Administrative and Budgetary Questions;

3. *Expresses its concern* at the tendency of its substantive Committees and other intergovernmental bodies to involve themselves in administrative and budgetary matters;

4. *Invites* the Secretary-General to provide all intergovernmental bodies with the required information regarding procedures for administrative and budgetary matters.

Draft resolution II

CONDITIONS OF SERVICE AND COMPENSATION FOR OFFICIALS, OTHER THAN SECRETARIAT OFFICIALS, SERVING THE GENERAL ASSEMBLY

The General Assembly,

Recalling its resolutions 35/221 of 17 December 1980 and 40/256 of 18 December 1985 on the conditions of service and compensation for officials, other than Secretariat officials, serving the General Assembly,

Having considered the report of the Secretary-General (A/C.5/45/21) and the related report of the Advisory Committee on Administrative and Budgetary Questions (A/45/7/Add.13),

Reaffirming the principle that the conditions of service for the Chairman and Vice-Chairman of the International Civil Service Commission and for the Chairman of the Advisory Committee on Administrative and Budgetary Questions shall be separate and distinct from those of officials of the Secretariat,

1. *Decides* that, with effect from 1 January 1991, the annual compensation of the two full-time members of the International Civil Service Commission and of the Chairman of the Advisory Committee on Administrative and Budgetary Questions shall be 112,875 United States dollars, with an additional special allowance of 8,000 dollars for the Chairman of the Commission and the Chairman of the Advisory Committee;

2. *Approves* the recommendations of the Advisory Committee on Administrative and Budgetary Questions as contained in paragraphs 3 to 5 of its report with regard to the Chairman and Vice-Chairman of the Commission and the Chairman of the Advisory Committee, and decides that the other conditions of service for these officials shall remain unchanged;

3. *Decides* that the compensation and other conditions of service of the full-time members of the Commission and of the Chairman of the Advisory Committee shall next be reviewed at the fiftieth session of the General Assembly and that, pending such review, the annual compensation shall be adjusted in accordance with the procedure approved in paragraph 3 of its resolution 35/221.

Draft resolution III

CONDITIONS OF SERVICE AND COMPENSATION FOR OFFICIALS OTHER THAN SECRETARIAT OFFICIALS — MEMBERS OF THE INTERNATIONAL COURT OF JUSTICE

A

EMOLUMENTS

The General Assembly,

Recalling its resolutions 31/204 of 22 December 1976, 35/220 A of 17 December 1980 and 40/257 A of 18 December 1985 and section VI of its resolution 43/217 of 21 December 1988 on the emoluments of the members of the International Court of Justice,

Having considered the report of the Secretary-General (A/C.5/45/44) and the related report of the Advisory Committee on Administrative and Budgetary Questions (A/45/7/Add.10),

1. *Decides* that, with effect from 1 January 1991, the annual salary of the members of the International Court of Justice shall be 145,000 United States dollars;

2. *Decides also* that the *ad hoc* judges referred to in Article 31 of the Statute of the International Court of Justice shall continue to receive for each day they exercise their functions one three-hundred-and-sixty-fifth of the annual salary payable at the time to a member of the Court;

3. *Decides further*, in between the regularly scheduled periodic reviews, to continue the system of floor/ceiling measures introduced pursuant to section VI of General Assembly resolution 43/217, in accordance with the recommendations contained in paragraphs 8 to 11 of the report of the Advisory Committee on Administrative and Budgetary Questions;[2]

4. *Decides* that the emoluments and other conditions of service for the members of the International Court of Justice shall next be reviewed at its forty-eighth session.

B

PENSION SCHEME

The General Assembly,

Recalling its resolutions 1562 (XV) of 18 December 1960, 1925 (XVIII) of 11 December 1963, 2367 (XXII) of 19 December 1967, 2890 A (XXVI) of 22 December 1971, 3193 A (XXVIII) of 18 December 1973, 3537 A (XXX) of 17 December 1975, 38/239 of 20 December 1983 and 40/257 B of 18 December 1985, on the pension scheme for the members of the International Court of Justice,

Having considered the report of the Secretary-General (A/C.5/45/44) and the related report of the Advisory Committee on Administrative and Budgetary Questions (A/45/7/Add.10),

1. *Decides* that, with effect from 1 January 1991, the pension entitlement of a member of the International Court of Justice who has served a full term of nine years shall be 50,000 United States dollars a year and that the pension entitlement of a member of the Court who is re-elected shall be increased by an additional 250 dollars per month for each further month of service up to a maximum pension of 75,000 dollars per year;

2. *Also decides* that, with effect from 1 January 1991 and notwithstanding any provision to the contrary contained in the Pension Scheme Regulations for members of the International Court of Justice, the annual value of all pensions in course of payment as at 31 December 1990, including the pensions of any members of the Court who retire on or before that date, shall be increased by 22 per cent;

3. *Further decides* that the pension of the members of the International Court of Justice shall be subject to review whenever the annual salary of the members of the Court is reviewed;

4. *Concurs* with the recommendation of the Advisory Committee on Administrative and Budgetary Questions concerning the consequential changes in the Pension Scheme Regulations for the members of the International Court of Justice resulting from the recommendations as contained in paragraph 15 of its report.

C

CONDITIONS OF SERVICE

The General Assembly,

Recalling section XIV of its resolution 37/237 of 21 December 1982, section XVII of its resolution 38/234 of 20 December 1983 and section V of its resolution 39/236 of 18 December 1984 on conditions of service and compensation for officials other than Secretariat officials, as well as its resolutions 40/257 C of 18 December 1985 and 43/226 of 21 December 1988,

Having considered the report of the Secretary-General (A/C.5/45/44) and the related report of the Advisory Committee on Administrative and Budgetary Questions (A/45/7/Add.10),

1. *Decides* that, with effect from 1 January 1991, the President and the members of the International Court of Justice who have taken up primary residence at The Hague shall be reimbursed, up to a ceiling of 6,750 United States dollars, for the actual cost of educating their children in respect of each child each year up to the award of the first recognized degree and that provision shall be made for one related return journey per year in respect of each child from the place of scholastic attendance, when outside the Netherlands, to The Hague;

2. *Decides also* that, with effect from 1 January 1991, the President and the members of the International Court of Justice who have taken up primary residence at The Hague shall be reimbursed, up to a ceiling of 9,000 dollars, for the actual cost of educating their disabled children in respect of each child each year up to the award of the first recognized degree and that provision shall be made for one related return journey per year in respect of each child from the place of scholastic attendance, when outside the Netherlands, to The Hague;

3. *Decides further* that any increase in the level of the education grant, including the education grant regarding disabled children, applicable to staff in the Professional and higher categories decided upon by the General Assembly at its forty-fifth session shall be extended to the members of the International Court of Justice.

Draft resolution IV

SALARY AND RETIREMENT ALLOWANCE OF THE SECRETARY-GENERAL AND SALARY AND PENSIONABLE REMUNERATION OF THE DIRECTOR-GENERAL FOR DEVELOPMENT AND INTERNATIONAL ECONOMIC CO-OPERATION AND THE ADMINISTRATOR OF THE UNITED NATIONS DEVELOPMENT PROGRAMME

The General Assembly,

Having considered the report of the Advisory Committee on Administrative and Budgetary Questions (A/45/7/Add.12),

1. *Concurs* with the recommendations of the Advisory Committee on Administrative and Budgetary Questions con-

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[2] *Official Records of the General Assembly, Forty-third Session, Supplement No. 7* (A/43/7 and Add.1-13), document A/43/7/Add.6.

cerning the salary and retirement allowance of the Secretary-General contained in paragraphs 5 and 6 of its report and the procedure for adjusting the retirement allowance and payments to surviving spouses as contained in paragraph 7 of its report;

2. *Also concurs* with the recommendations of the Advisory Committee concerning the salary and pensionable remuneration of the Director-General for Development and International Economic Co-operation and the Administrator of the United Nations Development Programme, contained in paragraphs 3 and 4 of its report;

3. *Approves* the amendment to annex I to the Staff Regulations of the United Nations with effect from 1 January 1991, as set forth in the annex to the present resolution.

ANNEX

Amendment to annex I to the Staff Regulations of the United Nations

In paragraph 1, the salary figure for the Administrator of the United Nations Development Programme and the Director-General for Development and International Economic Co-operation shall read $US 151,233.

Draft resolution V

PROGRAMME BUDGET FOR THE BIENNIUM 1990-1991

A

REVISED BUDGET APPROPRIATIONS FOR THE BIENNIUM 1990-1991

The General Assembly

Resolves that, for the biennium 1990-1991:

1. The amount of 1,974,634,000 United States dollars appropriated by its resolution 44/202 A of 21 December 1989 shall be increased by 159,438,100 dollars as follows:

Section		*Amount appropriated by resolution 44/202 A*	*Increase or (decrease)*	*Revised appropriation*
		(United States dollars)		
	PART I. *Overall policy-making, direction and co-ordination*			
1.	Overall policy-making, direction and co-ordination	59 705 000	16 267 300	75 972 300
	TOTAL, PART I	59 705 000	16 267 300	75 972 300
	PART II. *Political and Security Council affairs; peace-keeping activities*			
2A.	Political and Security Council affairs; peace-keeping activities	88 089 300	3 082 900	91 172 200
2B.	Disarmament affairs activities	11 184 500	1 162 100	12 346 600
2C.	Office for Ocean Affairs and the Law of the Sea	8 196 900	175 400	8 372 300
	TOTAL, PART II	107 470 700	4 420 400	111 891 100
	PART III. *Political affairs, trusteeship and decolonization*			
3.	Political affairs, trusteeship and decolonization	35 988 200	(11 225 400)	24 762 800
	TOTAL, PART III	35 988 200	(11 225 400)	24 762 800
	PART IV. *Economic, social and humanitarian activities*			
4.	Policy-making organs (economic and social activities)	2 163 100	7 157 300	9 320 400
5A.	Office of the Director-General for Development and International Economic Co-operation	4 670 800	241 600	4 912 400
5B.	Regional Commissions New York Office	855 300	34 400	889 700
6.	Department of International Economic and Social Affairs	46 814 800	2 416 600	49 231 400
7.	Department of Technical Co-operation for Development	23 853 200	1 130 000	24 983 200
8.	Activities on global social development issues	9 985 700	1 625 900	11 611 600
9.	Transnational corporations	10 919 200	730 000	11 649 200
10.	Economic Commission for Europe	33 089 300	4 567 800	37 657 100
11.	Economic and Social Commission for Asia and the Pacific	39 791 400	1 504 500	41 295 900
12.	Economic Commission for Latin America and the Caribbean	49 010 700	8 295 200	57 305 900
13.	Economic Commission for Africa	57 725 700	1 581 400	59 307 100
14.	Economic and Social Commission for Western Asia	38 595 400	5 342 600	43 938 000
15.	United Nations Conference on Trade and Development	73 107 600	11 273 600	84 381 200
16.	International Trade Centre	15 400 800	1 454 900	16 855 700

Section		Amount appropriated by resolution 44/202 A	Increase or (decrease)	Revised appropriation
		(United States dollars)		
17.	Centre for Science and Technology for Development	4 298 800	192 100	4 490 900
18.	United Nations Environment Programme	11 195 600	380 600	11 576 200
19.	United Nations Centre for Human Settlements (Habitat)	9 937 800	673 900	10 611 700
20.	International drug control	8 333 600	2 206 400	10 540 000
21.	Office of the United Nations High Commissioner for Refugees	34 180 100	4 680 200	38 860 300
22.	Office of the United Nations Disaster Relief Co-ordinator	6 481 200	834 600	7 315 800
23.	Human rights	16 105 700	2 938 500	19 044 200
24.	Regular programme of technical co-operation	36 163 200	1 340 700	37 503 900
	TOTAL, PART IV	532 679 000	60 602 800	593 281 800
	PART V. *International justice and law*			
25.	International Court of Justice	13 333 000	1 416 000	14 749 000
26.	Legal activities	18 766 500	1 211 200	19 977 700
	TOTAL, PART V	32 099 500	2 627 200	34 726 700
	PART VI. *Public information*			
27.	Public information	87 225 400	4 546 100	91 771 500
	TOTAL, PART VI	87 225 400	4 546 100	91 771 500
	PART VII. *Common support services*			
28.	Administration and management	397 759 500	36 261 400	434 020 900
29.	Conference and library services	352 777 600	31 565 600	384 343 200
	TOTAL, PART VII	750 537 1100	67 827 000	818 364 100
	PART VIII. *Special expenses*			
30.	United Nations bond issue	-	-	-
	TOTAL, PART VIII	-	-	-
	PART IX. *Staff assessment*			
31.	Staff assessment	298 390 400	12 070 100	310 460 500
	TOTAL, PART IX	298 390 400	12 070 100	310 460 500
	PART X. *Capital expenditures*			
32.	Construction, alteration, improvement and major maintenance of premises	70 538 700	2 302 600	72 841 300
	TOTAL, PART X	70 538 700	2 302 600	72 841 300
	GRAND TOTAL	1 974 634 000	159 438 100	2 134 072 100

2. In addition to the appropriations approved under paragraph 1 of the present resolution, the amount of 19,000 dollars, appropriated by resolution 44/202 A for each year of the biennium 1990-1991 from accumulated income of the Library Endowment Fund for the purchase of books, periodicals, maps and library equipment and for such other expenses of the Library at the Palais des Nations as are in accordance with the objects and provisions of the endowment, is hereby increased to 51,000 dollars for each year of the biennium.

B

REVISED INCOME ESTIMATES FOR THE BIENNIUM 1990-1991

The General Assembly

Resolves that, for the biennium 1990-1991, the estimates of income of 367,226,200 United States dollars approved by its resolution 44/202 B of 21 December 1989 shall be increased by 14,527,600 dollars as follows:

	Amount approved by resolution 44/202 B	*Increase or (decrease)*	*Revised estimates*
	(United States dollars)		
Income section			
PART I. *Income from staff assessment*			
1. Income from staff assessment	303 040 800	12 392 700	315 433 500
TOTAL, PART I	303 040 800	12 392 700	315 433 500
PART II. *Other income*			
2. General income	54 524 200	4 901 100	59 425 300
3. Revenue-producing activities	9 661 200	(2 766 200)	6 895 000
TOTAL, PART II	64 185 400	2 134 900	66 320 300
GRAND TOTAL	367 226 200	14 527 600	381 753 800

C

FINANCING OF APPROPRIATIONS FOR THE YEAR 1991

The General Assembly

Resolves that for the year 1991:

1. Budget appropriations in a total amount of 1,146,755,100 United States dollars, consisting of 987,317,000 dollars, being one half of the appropriations initially approved for the biennium 1990-1991 by General Assembly resolution 44/202 A of 21 December 1989, plus 159,438,100 dollars, being the increase in appropriations approved during the forty-fifth session by resolution A above, shall be financed in accordance with regulations 5.1 and 5.2 of the Financial Regulations of the United Nations as follows:

(*a*) 60,388,634 dollars, consisting of:

- (i) 32,092,700 dollars, being half of the estimated income approved for the biennium 1990-1991 by Assembly resolution 44/202 B of 21 December 1989 other than staff assessment income;
- (ii) 2,134,900 dollars, being the increase in estimated income other than staff assessment income approved by resolution B above;
- (iii) 26,161,034 dollars, being the balance of the surplus account as at 31 December 1989;

(*b*) 1,086,366,466 dollars, being the assessment on Member States in accordance with General Assembly resolutions 43/223 A of 21 December 1988 and /256 B of 21 December 1990 on the scale of assessments for the years 1989, 1990 and 1991;

2. There shall be set off against the assessment on Member States, in accordance with the provisions of General Assembly resolution 973 (X) of 15 December 1955, their respective share in the Tax Equalization Fund in the total amount of 164,966,760 dollars, consisting of:

(*a*) 151,520,400 dollars, being half of the estimated staff assessment income approved by resolution 44/202 B;

(*b*) Plus 12,392,700 dollars, being the estimated increase in income from staff assessment approved by resolution B above;

(*c*) Plus 1,053,660 dollars, being the increase in income from staff assessment compared to the revised estimates for the biennium 1988-1989, approved by General Assembly resolution 44/193 B of 21 December 1989.

DOCUMENT A/45/900/ADD.1

PART II OF THE REPORT

[*Original: Arabic*]
[*2 May 1991*]

1. The previous recommendations made by the Fifth Committee to the General Assembly under agenda item 118 appear in part I of the Committee's report (document A/45/900 above).

2. The Fifth Committee further considered the item at its 55th and 56th meetings, on 1 and 2 May 1991. It had before it the report of the Secretary-General entitled "Conditions

of service and compensation for officials other than Secretariat officials — members of the Joint Inspection Unit" (A/C.5/45/75).

3. The comments and observations made in the course of the Committee's further consideration of the item are reflected in the summary records of the meetings (A/C.5/45/SR.55 and 56).

4. At its 55th meeting, on the proposal of the representative of the United States of America, the Fifth Committee decided, without objection, to recommend to the General Assembly that it defer until its forty-sixth session consideration of the report of the Secretary-General (see para. 5 below).

Recommendation of the Fifth Committee

5. The Fifth Committee recommends that the General Assembly defer until its forty-sixth session consideration of the report of the Secretary-General entitled "Conditions of service and compensation for officials other than Secretariat officials — members of the Joint Inspection Unit" (A/C.5/45/75).

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 72nd plenary meeting, on 21 December 1990, the General Assembly adopted draft resolutions I A and B, II, III A to C, IV and V A to C submitted by the Fifth Committee in part I of its report (A/45/900, para. 58). For the final text, see resolutions 45/248 A and B, 45/249, 45/250 A to C, 45/251 and 45/252 A to C.[3]

At its 74th plenary meeting, on 3 May 1991, the General Assembly decided to defer until its forty-sixth session consideration of the report of the Secretary-General entitled "Conditions of service and compensation for officials other than Secretariat officials — members of the Joint Inspection Unit" (see decision 45/456).[4]

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[3] *Ibid., Forty-fifth Session, Supplement No. 49.*

[4] *Ibid., Supplement No. 49 A.*

LIST OF OTHER DOCUMENTS PERTAINING TO THE ITEM

Symbol	*Title or description*	*Observations and references*
A/45/7 and Add.1-14	First to fifteenth reports of the Advisory Committee on Administrative and Budgetary Questions on the programme budget for the biennium 1990-1991	*Official Records of the General Assembly, Forty-fifth Session, Supplement No. 7*
A/45/30 and Add.1	Report of the International Civil Service Commission for the year 1990	*Ibid., Supplement No. 30* and addendum
A/45/32 and Add.1 and Add.1/Corr.1	Report of the Committee on Conferences	*Ibid., Supplement No. 32* and addendum and corrigendum
A/45/598-S/21854	Letter dated 3 October 1990 from the Minister for Foreign Affairs of the Union of Soviet Socialist Republics and the Secretary of State of the United States of America to the Secretary-General, transmitting the text of the joint Soviet-American statement entitled "Responsibility for peace and security in the changing world"	
A/45/652 and Add.1	Enhancement of the efficiency of the United Nations structure for drug abuse control: report of the Secretary-General	
A/45/739	Report of the Sixth Committee	See annex fascicle, agenda items 139 and 144
A/45/756	Report of the Third Committee	*Ibid.*, agenda items 94, 95 and 100
A/45/764	*Idem*	*Ibid.*, agenda item 108
A/45/775	Report of the First Committee	*Ibid.*, agenda items 45 to 66 and 155
A/45/776	*Idem*	*Ibid.*
A/45/778	*Idem*	*Ibid.*
A/45/782	*Idem*	*Ibid.*
A/45/783	*Idem*	*Ibid.*
A/45/797	Report of the Joint Inspection Unit entitled "Extrabudgetary resources of the United Nations: towards transparency of presentation, management and reporting": note by the Secretary-General transmitting the report	
A/45/807	Effective implementation of United Nations instruments on human rights and effective functioning of bodies established pursuant to such instruments: report of the Secretary-General	
A/45/824	Report of the Special Political Committee	*Ibid.*, agenda item 76

Symbol	*Title or description*	*Observations and references*
A/45/838	Report of the Third Committee (Part I)	*Ibid.*, agenda item 12
A/45/848	Report of the Second Committee (Part I)	*Ibid.*
A/45/849/Add.4	*Idem* (Part V)	*Ibid.*, agenda item 79
A/45/849/Add.6	*Idem* (Part VII)	*Ibid.*
A/45/851	Report of the Second Committee	*Ibid.*, agenda items 80 and 81
A/45/L.2	Draft resolution	*Ibid.*, agenda item 154
A/45/L.3	*Idem*	*Ibid.*, agenda item 29
A/45/L.16 and L.17	Draft resolutions	*Ibid.*, agenda item 18
A/45/L.20 and L.21 and Corr.1	*Idem*	Replaced by A/45/L.20/Rev.1 and L.21/Rev.1
A/45/L.20/Rev.1 and L.21/Rev.1	*Idem*	See annex fascicle, agenda item 152
A/45/L.31, L.33 and L.38 to L.42	*Idem*	*Ibid.*, agenda item 34
A/45/L.34	Draft resolution	Replaced by A/45/L.34/Rev.1
A/45/L.34/Rev.1	*Idem*	See annex fascicle, agenda item 117
A/C.5/45/1	Work-load standards for various categories of conference-servicing staff, including clerical and typing staff, and work-load statistics for the various conference services in the 1986-1987 and 1988-1989 bienniums: report of the Secretary-General	
A/C.5/45/2	Revised estimates under sections 3, 13, 27, 31 and income section 1: report of the Secretary-General	
A/C.5/45/4	Review of the functioning and administrative support of the departments having mandates related to global social development issues and proposals for the strengthening of the United Nations Office at Vienna: report of the Secretary-General	
A/C.5/45/6	Advisory Board on Disarmament Matters — United Nations Institute for Disarmament Research — Request for subvention to the Institute resulting from the recommendations of the Board of Trustees of the United Nations Institute for Disarmament Research contained in document A/45/392: note by the Secretary-General	
A/C.5/45/9	International Computing Centre — 1991 budget estimates: report of the Secretary-General	
A/C.5/45/13	Programme budget implications of the draft resolution contained in document A/45/L.2: note by the Secretary-General	
A/C.5/45/16	Programme budget implications of holding a special session of the International Civil Service Commission: note by the Secretary-General	
A/C.5/45/20	Integrated management information system project — second progress report of the Secretary-General	
A/C.5/45/21	Conditions of service and compensation for officials other than Secretariat officials — Full-time members of the International Civil Service Commission and the Chairman of the Advisory Committee on Administrative and Budgetary Questions: report of the Secretary-General	
A/C.5/45/25 and Corr.1	Programme budget implications of the draft resolution contained in document A/45/L.3: note by the Secretary-General	
A/C.5/45/26	Review of translation and interpretation services for all official languages in the Economic Commission for Africa: note by the Secretary-General	
A/C.5/45/27	Implementation of the Global Programme of Action adopted by the General Assembly at its seventeenth special session, devoted to the question of international co-operation against illicit production, supply, demand, trafficking and distribution of narcotic drugs and psychotropic substances: report of the Secretary-General	
A/C.5/45/28 and Corr.1	Standards of accommodation for air travel: report of the Secretary-General	
A/C.5/45/29	Administrative and financial implications of the decisions and recommendations contained in the report of the International Civil Service Commission: note by the Secretary-General	
A/C.5/45/30	Conference services at Vienna: report of the Secretary-General	
A/C.5/45/31	Revised estimates resulting from resolutions of the Economic and Social Council at its first and second regular sessions of 1990: report of the Secretary-General	
A/C.5/45/32	Division of Administrative and Common Services, Vienna: report of the Secretary-General	
A/C.5/45/33	Comprehensive review of the after-service health insurance programme: report of the Secretary-General	
A/C.5/45/34	Programme budget implications of draft resolution I submitted by the Sixth Committee in document A/45/739: note by the Secretary-General	
A/C.5/45/35	Programme budget implications of the draft resolutions contained in documents A/45/L.16 and L.17: note by the Secretary-General	
A/C.5/45/44	Conditions of service and compensation for officials other than Secretariat officials — Members of the International Court of Justice: report of the Secretary-General	
A/C.5/45/45 and Add.1 and Add.1/Corr.1	First performance report of the Secretary-General on the programme budget for the biennium 1990-1991	

Symbol	*Title or description*	*Observations and references*
A/C.5/45/46	Programme budget implications of draft resolution B submitted by the First Committee in document A/45/775: note by the Secretary-General	
A/C.5/45/47	Programme budget implications of draft resolution O submitted by the First Committee in document A/45/778: note by the Secretary-General	
A/C.5/45/48	Programme budget implications of the draft resolution submitted by the First Committee in document A/45/783: note by the Secretary-General	
A/C.5/45/49	Programme budget implications of draft resolution A submitted by the First Committee in document A/45/776: note by the Secretary-General	
A/C.5/45/50	Programme budget implications of draft resolution N submitted by the First Committee in document A/45/778: note by the Secretary-General	
A/C.5/45/51	Programme budget implications of draft resolution G submitted by the First Committee in document A/45/782: note by the Secretary-General	
A/C.5/45/53	Construction of additional conference facilities at Addis Ababa and Bangkok: report of the Secretary-General	
A/C.5/45/54	Programme budget implications of draft decision II submitted by the Second Committee in document A/45/848: note by the Secretary-General	
A/C.5/45/55	Programme budget implications of the draft resolution submitted by the Special Political Committee in document A/45/824: note by the Secretary-General	
A/C.5/45/56	Programme budget implications of the draft resolutions contained in documents A/45/L.20 and L.21 and Corr.1: note by the Secretary-General	
A/C.5/45/57	Implementation of General Assembly resolution 43/216 concerning, *inter alia*, the functioning of the Multinational Programming and Operational Centres of the Economic Commission for Africa: report of the Secretary-General	
A/C.5/45/58	Optical disc storage and retrieval system: report of the Secretary-General	
A/C.5/45/59	Programme budget implications of draft resolutions I to IV, VI, IX to XIII and XV submitted by the Third Committee in document A/45/756: note by the Secretary-General	
A/C.5/45/60	Programme budget implications of the draft resolution VIII submitted by the Third Committee in document A/45/838: note by the Secretary-General	
A/C.5/45/61	Programme budget implications of draft resolution V submitted by the Third Committee in document A/45/838: note by the Secretary-General	
A/C.5/45/62	Note by the Secretary-General transmitting a letter dated 26 November 1990 from the Director-General of the United Nations Industrial Development Organization to the Secretary-General	
A/C.5/45/63	Note by the Secretary-General transmitting the comments of the United Nations Industrial Development Organization on the reports of the Secretary-General on conference services and the Division of Administrative and Common Services at Vienna	
A/C.5/45/64	Programme budget implications of draft resolution V submitted by the Third Committee in document A/45/764: note by the Secretary-General	
A/C.5/45/65	United Nations Conference on Environment and Development: report of the Secretary-General	
A/C.5/45/66	Developments relating to the activities of the Centre for Human Rights: report of the Secretary-General	
A/C.5/45/67	Electoral assistance to Haiti: report of the Secretary-General	
A/C.5/45/68	Programme budget implications of the draft resolutions contained in documents A/45/L.31, L.33 and L.38 to L.42: note by the Secretary-General	
A/C.5/45/69	Programme budget implications of the draft resolution submitted by the Second Committee in document A/45/849/Add.4: note by the Secretary-General	
A/C.5/45/70	Programme budget implications of the draft resolution submitted by the Second Committee in document A/45/851: note by the Secretary-General	
A/C.5/45/71	Programme budget implications of the draft resolution submitted by the Second Committee in document A/45/849/Add.6: note by the Secretary-General	
A/C.5/45/72 and Corr.1	Programme budget implications of the draft resolution contained in document A/45/L.34: note by the Secretary-General	
A/C.5/45/73	The contingency fund—consolidated statement of programme budget implications and revised estimates: report of the Secretary-General	
A/C.5/45/74	Revised estimates—recosting of decisions of the Fifth Committee concerning statements of programme budget implications and revised estimates: note by the Secretariat	
A/C.5/45/75	Conditions of service and compensation for officials other than Secretariat officials—Members of the Joint Inspection Unit: report of the Secretary-General	
A/C.5/45/L.3	Draft decision	See A/45/900, paras. 14 and 58, draft resolution I A, sect. II
A/C.5/45/L.6	Draft resolution	*Ibid.*, paras. 39 and 58, draft resolution II
A/C.5/45/L.7	Draft resolutions	*Ibid.*, paras. 42 and 58, draft resolutions III A to C
A/C.5/45/L.15 and Corr.1 and 2	Draft report of the Fifth Committee	Replaced by A/45/900

Symbol	*Title or description*	*Observations and references*
A/C.5/45/L.19	Draft resolution	See A/45/900, paras. 46 and 58, draft resolution I B

United Nations

GENERAL ASSEMBLY

Official Records

Agenda item 119

ANNEXES

FORTY-FIFTH SESSION

NEW YORK, 1990/1991

Agenda item 119: Programme planning*

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* For the records of the relevant meetings, see *Official Records of the General Assembly, Forty-fifth Session, Fifth Committee*, 12th, 14th, 16th to 24th, 26th, 32nd, 33rd, 36th and 52nd meetings, and corrigendum; and *ibid., Plenary Meetings*, 72nd meeting. For the prior consideration of the question, see *Official Records of the General Assembly, Forty-fourth Session, Annexes*, agenda item 124.

DOCUMENT A/45/901

Report of the Fifth Committee

[*Original: Arabic*]
[*21 December 1990*]

1. At its 3rd plenary meeting, on 21 September 1990, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its forty-fifth session, as item 119, the item entitled "Programme planning", and to allocate it to the Fifth Committee for consideration and report.

2. The Fifth Committee considered item 119 in conjunction with item 117 (Review of the efficiency of the administrative and financial functioning of the United Nations) at its 12th, 19th and 23rd meetings, between 19 October and 6 November 1990. The Committee considered item 119 separately at its 14th, 16th to 18th, 20th to 22nd, 24th, 26th, 32nd, 33rd, 36th and 52nd meetings, between 23 October and 21 December 1990. Statements and observations made in the course of the discussion of item 119 are reflected in the summary records of the meetings (A/C.5/45/SR.12, 14, 16-24, 26, 32, 33, 36 and 52).

3. At its 12th meeting, on 19 October, the Fifth Committee heard introductory statements by the Chairman of the Committee for Programme and Co-ordination and the Under-Secretary-General for Administration and Management.

4. For its consideration of the item, the Committee had before it the following documents:

[*See the list of documents at the end of the present fascicle.*]

5. At the 52nd meeting, on 21 December, the Chairman of the Fifth Committee introduced a draft resolution (A/C.5/45/L.21), which had been elaborated following informal consultations held under the chairmanship of Mr. Tommo Monthe (Cameroon).

6. At the same meeting, the Committee adopted draft resolution A/C.5/45/L.21 without a vote (see para. 8 below).

7. Also at the same meeting, the representatives of Israel and the United States of America made statements in explanation of position.

Recommendation of the Fifth Committee

8. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolution:

PROGRAMME PLANNING

The General Assembly,

Recalling its resolutions 37/234 of 21 December 1982, 41/213 of 19 December 1986 and 43/219 of 21 December 1988 and taking note of Economic and Social Council resolution 1990/83 of 27 July 1990,

Having examined the proposed medium-term plan for the period 1992-1997,[1] including the introduction to the plan, which is a key integral element in the planning process, and the note by the Secretariat (A/45/279), containing the consolidated summary of the comments and recommendations made by Member States and intergovernmental bodies since 1988 on the draft introduction to the medium-term plan for the period 1992-1997,

Having considered the note by the Chairman of the Fifth Committee reporting on the review of the proposed medium-term plan for the period 1992-1997 by the other Main Committees of the General Assembly (A/C.5/45/42),

Having considered also the relevant parts of the report of the Economic and Social Council for 1990 (A/45/3 and Add.1 and 2),

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[1] The proposed medium-term plan for the period 1992-1997 was issued in fascicles, under the symbol A/45/6. The medium-term plan as adopted was issued as *Official Records of the General Assembly, Forty-fifth Session, Supplement No. 6* (A/45/6/Rev.1).

Having considered further the report of the Committee for Programme and Co-ordination on the work of its thirtieth session (A/45/16 (Part I) and Add.1 and (Part II)), the report of the Committee on Conferences (A/45/32 and Add.1 and Add.1/Corr.1) and the relevant parts of the report of the Advisory Committee on Administrative and Budgetary Questions (A/45/617),

Having considered the reports of the Secretary-General on the programme performance of the United Nations for the biennium 1988-1989 (A/45/218 and Corr.1 and Add.1 and Add.1/Corr.1) and on the application of evaluation findings in programme design, delivery and policy directives (A/45/204),

I

MEDIUM-TERM PLAN FOR THE PERIOD 1992-1997

1. *Adopts* the proposed medium-term plan for the period 1992-1997, together with the recommendations of the Committee for Programme and Co-ordination and the Committee on Conferences and the additional conclusions and recommendations contained in the annex to the present resolution, taking into account the views of the Main Committees of the General Assembly;

2. *Reaffirms* that the medium-term plan, as adopted, is the principal policy directive of the United Nations and shall serve as a framework for the formulation of the biennial programme budgets;

3. *Endorses* the methodological conclusions and recommendations on the format and content of the plan made by the Committee for Programme and Co-ordination and the Advisory Committee on Administrative and Budgetary Questions;

4. *Reiterates* the importance of regulations 3.5 and 3.6 of the Regulations Governing Programme Planning, the Programme Aspects of the Budget, the Monitoring of Implementation and the Methods of Evaluation regarding the scope and format of the plan and reaffirms the need for the Secretary-General to review the issues related to the full implementation of the regulations with a view to ensuring proper coverage and presentation of all the activities of the Organization;

5. *Emphasizes* the importance of the consultative process with Member States, which should be expanded to include as many programmes as possible;

6. *Also emphasizes* the need for the sectoral, regional and central reviewing bodies, in particular the Main Committees of the General Assembly, to improve the quality of their review of the programmes;

7. *Requests* the Secretary-General, in order to facilitate the review mentioned in paragraph 6 above, to improve the quality of his proposals to those bodies as well as the timeliness and the procedure of their submission;

8. *Also requests* the Secretary-General to pursue his efforts in order to achieve greater concision, clarity, analytical rigour and prospective orientation of the plan;

9. *Invites* Member States to take appropriate measures to ensure their active participation in the relevant intergovernmental bodies for the review of the medium-term plan;

10. *Welcomes* the new simplified programme structure of the plan, and encourages the Secretary-General to continue the review and analysis of the structure, format and content of the plan, without reducing the content of the programmes and with a view to enhancing the usefulness of the plan as a tool for managing the activities of the Organization, and taking into account the observations made by the General Assembly at its forty-fifth session, the Committee for Programme and Co-ordination and the Advisory Committee on Administrative and Budgetary Questions;

11. *Requests* the Secretary-General to submit the results of the review, together with the revisions to the plan, to the General Assembly at its forty-seventh session, through the Committee for Programme and Co-ordination at its thirty-second session, and the Advisory Committee on Administrative and Budgetary Questions;

12. *Takes note* of the overall priorities reflecting broad trends as derived from the mandates of the legislative organs, contained in the introduction to the plan, as well as the views expressed by Member States thereon, in particular concerning the maintenance of international peace and security, the economic development of developing countries, the economic recovery and development of Africa, the environment and international drug control;

13. *Endorses* the priorities at the subprogramme level proposed by the Secretary-General, together with the recommendations of the Committee for Programme and Co-ordination and those indicated in the annex to the present resolution;

14. *Requests* the Secretary-General to implement the plan with these priorities, taking duly into account the views expressed by Member States;

15. *Also requests* the Secretary-General, in accordance with regulation 3.18 of the Regulations Governing Programme Planning, the Programme Aspects of the Budget, the Monitoring of Implementation and the Methods of Evaluation to bring the decisions of the General Assembly on priorities to the attention of Member States and the governing boards of the voluntary funds, in order to facilitate coherence and co-ordination in the implementation of the plan;

16. *Reiterates* the need to implement fully the provisions of regulation 3.3 (c) and rule 103.3 (j) and (k) of the Regulations and Rules Governing Programme Planning, the Programme Aspects of the Budget, the Monitoring of Implementation and the Methods of Evaluation regarding estimates of resources in the plan;

17. *Requests* the Secretary-General and the Advisory Committee on Administrative and Budgetary Questions to continue to study the questions arising from the effects of extrabudgetary resources on the implementation of the plan and the linkage between the medium-term plan and the programme budgets;

18. *Also requests* the Secretary-General to develop methods and procedures permitting the better use, for the preparation and the revisions of the medium-term plan, of the conclusions and recommendations contained in the reports of the Joint Inspection Unit and the external auditors, and those on evaluation and programme performance, as formulated by the competent intergovernmental organs;

II

PROGRAMME PERFORMANCE REPORT

1. *Takes note* of the report of the Secretary-General on the programme performance of the United Nations for the biennium 1988-1989 (A/45/218 and Corr.1 and Add.1 and Add.1/Corr.1) and the observations of the Advisory Committee on Administrative and Budgetary Questions in paragraphs 22 and 23 of its report (A/45/617);

2. *Endorses* the conclusions and recommendations of the Committee for Programme and Co-ordination on the report of the Secretary-General on the programme performance of the United Nations for the biennium 1988-1989;

3. *Requests* the Secretary-General to submit to the General Assembly at its forty-sixth sesison, through the Committee for Programme and Co-ordination at its thirty-first session and the Advisory Committee on Administrative and Budgetary Questions, a report on the methodology for monitoring and reporting the programme performance of the United Nations;

III

APPLICATION OF EVALUATION FINDINGS IN PROGRAMME DESIGN, DELIVERY AND POLICY DIRECTIVES

1. *Takes note* of the report of the Secretary-General on the application of evaluation findings in programme design, delivery and policy directives (A/45/204);

2. *Endorses* the recommendations of the Committee for Programme and Co-ordination contained in its report on the work of its thirtieth session, on the report of the Secretary-General on the application of evaluation findings in programme design, delivery and policy directives and urges the Secretary-General to develop methods and procedures to ensure that evaluation is fully integrated into the programme planning cycle of the Organization;

IV

CO-ORDINATION

1. *Emphasizes* the importance of the plan, in particular its introduction, as an instrument for co-ordination, in accordance with regulation 3.7 of the Regulations Governing Programme Planning, the Programme Aspects of the Budget, the Monitoring of Implementation and the Methods of Evaluation;

2. *Invites* the Secretary-General to take the necessary measures in order to enhance the role of the Programme Planning and Budgeting Board in the co-ordination of the preparation and implementation of the plan;

3. *Stresses again* the need to ensure appropriate co-ordination of the calendar of meetings of the various intergovernmental review bodies, with a view to enabling them to consider effectively the relevant proposed programmes of the medium-term plan;

V

OTHER CONCLUSIONS AND RECOMMENDATIONS OF THE COMMITTEE FOR PROGRAMME AND CO-ORDINATION

Notes with satisfaction and endorses the conclusions and recommendations of the Committee for Programme and Co-ordination at its thirtieth session which have not otherwise been approved by the General Assembly at its forty-fifth session.

ANNEX

Conclusions and recommendations on major programmes, programmes and subprogrammes of the medium-term plan for the period 1992-1997

Programme 1. Good Offices and peace-making, peace-keeping, research and the collection of information

1. Recognizing that the Fifth Committee was not in a position to examine such substantive issues as peace-making, the General Assembly decides to defer consideration of those issues to the attention of the competent organs and intergovernmental bodies of the United Nations, without prejudice to the functions of the Secretary-General under the Charter of the United Nations.

2. In paragraph 1.17, insert a reference to paragraph 7 of General Assembly resolution 44/164 of 15 December 1989.

3. Insert references to General Assembly resolutions 41/70 of 3 December 1986 and 44/164 as mandates under programmes 35, 36 and 37.

Programme 2. Political and Security Council affairs

1. Assign high priority to subprogramme 1, Security Council and political committees activities.

2. Modify the text of paragraph 2.11 (*b*) concerning political missions so as to make its meaning clearer.

Programme 7. Disarmament

1. The third sentence of paragraph 7.5 should read:

> Anxieties were fuelled by the ever-rising number of nuclear warheads and delivery systems, by several other factors, including technological advances in weapons design, and by increasing arms transfers.

2. In the fourth sentence of paragraph 7.8, *for* to discourage the proliferation of ballistic missiles *read* to achieve the objective of non-proliferation in all its aspects, as mentioned in the Declaration of the 1990s as the Third Disarmament Decade.

3. In the sixth sentence of paragraph 7.8, *for* with an emphasis being given to *read* including.

Programme 8. Peaceful uses of outer space.

At the end of the second sentence of paragraph 8.9, *insert* taking into account the concerns of all countries, in particular the developing countries.

Programme 9. International law

1. In the second sentence of paragraph 9.33, *after* drug-trafficking *insert* and drug-abuse.

2. Not applicable to English.

3. The last sentence of paragraph 9.39 should read:

> It is also foreseen that the issues arising from the question of international criminal jurisdiction, including the possibility of establishing an international criminal court or other international criminal trial mechanism, will be considered further and analysed.

4. Insert the proposals of the Sixth Committee (A/C.5/45/42, annex III).

Programme 11. Overall issues and policies, including co-ordination

1. Insert a reference to General Assembly resolution 44/215 of 22 December 1989 as a mandate for subprogramme 1.

2. Not applicable to English.

3. In line 3 of paragraph 11.18 (*b*), *for* alleviation *read* eradication.

MAJOR PROGRAMME IV. INTERNATIONAL ECONOMIC CO-OPERATION FOR DEVELOPMENT (PROGRAMMES 12-24)

The idea of the interrelationship between international peace and security and development, implied in the proposal to change the title of the major programme to read "Maintenance of peace and security and international economic co-operation for development", should be developed further in the context of the revisions to the plan.

Programme 12. Global development issues and policies

1. Assign high priority to subprogrammes 3 and 6 of programme 12 in addition to those proposed by the Secretary-General.

2. Redraft the narrative of the programme so as to reflect the language and ideas of General Assembly resolution 44/212 of 22 December 1989, where relevant.

3. In the second sentence of paragraph 12.4, delete:

> and brought especially acute problems for heavily indebted developing countries

and replace by:

> This placed most of the developing countries, especially the least developed countries, in a particularly grave situation and brought especially acute problems for heavily indebted developing countries.

4. In paragraph 12.23:

(*a*) At the end of the fifth sentence *insert* and to promote economic development;

(*b*) At the beginning of the sixth sentence, *for* growth-oriented adjustment *read* growth-oriented policy.

5. Replace the first sentence of paragraph 12.36 with the text of paragraph 31 of the Declaration contained in the annex to General Assembly resolution S-18/3 of 1 May 1990.

6. In programme 12, where appropriate, *insert* some other countries with serious debt-servicing problems.

7. At the end of the second sentence of paragraph 12.65, *after* management *insert* and desertification.

Programme 13. International trade

Assign high priority to subprogramme 4, transfer of technology, in accordance with the importance given to the question by the General Assembly at its eighteenth special session.

Programme 14. Development finance, resource flows and external debt

1. In paragraph 14.11, insert a reference to General Assembly resolution S-18/3.

2. Delete the modification to paragraph 14.15 recommended by the Committee for Programme and Co-ordination in paragraph 166 (c) of its report (A/45/16 (Part I)).

Programme 16. Environment

1. Delete the second sentence of paragraph 16.17.

2. Delete subprogramme 9 and incorporate its content in subprogrammes 10 and 12 of programme 16.

Programmes 19 and 20. Natural resources and energy

Adjust the narrative of programmes 19 and 20 in accordance with the recommendations of the Committee for Programme and Co-ordination.

Programme 21. Public administration and finance

Reformulate the narrative of programme 21, taking into account all the relevant mandates adopted until the forty-fourth session of the General Assembly, for submission to the Assembly at its forty-sixth session.

MAJOR PROGRAMME V. INTERNATIONAL CO-OPERATION FOR SOCIAL DEVELOPMENT (PROGRAMMES 25-29)

The idea of the interrelationship between international peace and security and development, implied in the proposal to change the title of the major programme to read "Maintenance of peace and security and international co-operation for social development", should be developed further in the context of the revisions to the plan.

Programme 29. Crime prevention and criminal justice

1. Redraft paragraph 29.18 so as to reflect the language of the pertinent paragraph of the report of the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders calling for a study on the establishment of an international criminal court.[2]

2. Insert in paragraph 29.20 a reference to the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders.

Programme 31. Regional co-operation for development in Asia and the Pacific

The Economic and Social Commission for Asia and the Pacific should reconsider the issue of priority-setting among subprogrammes of programme 31 in the light of the Regulations and Rules Governing Programme Planning, the Programme Aspects of the Budget, the Monitoring of Implementation and the Methods of Evaluation.

Programme 33. Rregional co-operation for development in Latin America and the Caribbean

Delete the second sentence of paragraph 33.5.

Programme 35. Promotion and protection of human rights

1. In line 2 of paragraph 35.2, *after* instruments *insert* such as, *inter alia*, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

2. In paragraph 35.3, delete the last two sentences.

3. (*a*) Insert a new paragraph 35.4 reading:

> 35.4. The full enjoyment of human rights is related to economic and social development. Moreover, there can be no lasting security or sustained economic and social progress without respect for human rights. Numerous situations of tension and conflict have been rooted in disregard for the human rights of individuals, minorities, groups or entire peoples. Development will not be assured, nor its fruits equitably shared, if it is not securely anchored in respect for human rights and fundamental freedoms.

(*b*) Renumber the subsequent paragraphs accordingly.

4. Divide former paragraph 35.24 into three subparagraphs dealing respectively with:

(*a*) Migrant workers;

(*b*) Minorities;

(*c*) Discrimination or intolerance based on religion or belief.

5. At the end of the first line of former paragraph 35.41, *after* realization of *insert* the right of people to self-determination and.

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[2] A/CONF.144/28, chap. I, sect. C, resolution 25, annex, para. 31.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 72nd plenary meeting, on 21 December 1990, the General Assembly adopted the draft resolution submitted by the Fifth Committee in its report (A/45/901, para. 8). For the final text, see resolution 45/253.[3].

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[3] See *Official Records of the General Assembly, Forty-fifth Session, Supplement No. 49*.

LIST OF OTHER DOCUMENTS PERTAINING TO THE ITEM

Symbol	*Title or description*	*Observations and references*
A/45/3 and Add.1 and 2	Report of the Economic and Social Council for the year 1990	*Official Records of the General Assembly, Forty-fifth Session, Supplement No. 3*
A/45/6	Proposed medium-term plan for the period 1992-1997	Issued in fascicles
A/45/6/Rev.1	Medium-term plan for the period 1992-1997	*Official Records of the General Assembly, Forty-fifth Session, Supplement No. 6*
A/45/15 (Part I) and Add.1 and (Part II)	Report of the Committee for Programme and Co-ordination on the work of its thirtieth session	*Ibid., Supplement No. 16*

Symbol	*Title or description*	*Observations and references*
A/45/204	Application of evaluation findings in programme design, delivery and policy directives: report of the Secretary-General	
A/45/218 and Corr.1 and Add.1 and Add.1/Corr.1	Programme performance of the United Nations for the biennium 1988-1989: report of the Secretary-General	
A/45/279	Consolidated summary of the comments and recommendations made by Member States and intergovernmental bodies since 1988 on the draft introduction to the medium-term plan for the period 1992-1997: note by the Secretariat	
A/45/598-S/21854	Letter dated 3 October 1990 from the Minister for Foreign Affairs of the Union of Soviet Socialist Republics and the Secretary of State of the United States of America to the Secretary-General, transmitting the text of a joint Soviet-American statement entitled "Responsibility for peace and security in the changing world"	
A/45/617	Analytical report of the Secretary-General on the implementation of General Assembly resolution 41/213—Proposed medium-term plan for the period 1992-1997—Programme performance of the United Nations for the biennium 1988-1989: report of the Advisory Committee on Administrative and Budgetary Questions	
A/45/835	Note by the Secretary-General	
A/C.1/45/6	Letter dated 11 October 1990 from the Chairman of the Fifth Committee to the Chairman of the First Committee: note by the President of the General Assembly transmitting the letter	
A/SPC/45/L.4	Letter dated 11 October 1990 from the Chairman of the Fifth Committee to the Chairman of the Special Political Committee: note by the President of the General Assembly transmitting the letter	
A/SPC/45/L.10 and Add.1	Letters dated 7 and 14 November 1990 from the Chairman of the Special Political Committee to the President of the General Assembly	
A/C.2/45/6	Letter dated 11 October 1990 from the Chairman of the Fifth Committee to the Chairman of the Second Committee	
A/C.3/45/6	Letter dated 11 October 1990 from the Chairman of the Fifth Committee to the Chairman of the Third Committee	
A/C.4/45/L.4	Letter dated 11 October 1990 from the Chairman of the Fifth Committee to the Chairman of the Fourth Committee: note by the President of the General Assembly transmitting the letter	
A/C.5/45/42	Note by the Chairman of the Fifth Committee reporting on the review of the proposed medium-term plan for the period 1992-1997 by other Main Committees of the General Assembly	
A/C.5/45/L.21	Draft resolution	See A/45/901, paras. 5 and 8
A/C.5/45/CRP.1	Note by the Secretariat on the concept of peace-making	

United Nations

GENERAL ASSEMBLY

Official Records

Agenda items 120 and 121*

ANNEXES

FORTY-FIFTH SESSION

NEW YORK, 1990/1991

Agenda item 120: Current financial crisis of the United Nations
Agenda item 121: Financial emergency of the United Nations

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DOCUMENT A/45/883

Report of the Fifth Committee on agenda item 120

[*Original: Arabic*]
[*19 December 1990*]

1. At its 3rd plenary meeting, on 21 September 1990, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its forty-fifth session, as item 120, the item entitled "Current financial crisis of the United Nations" and to allocate it to the Fifth Committee for consideration and report.

2. The Fifth Committee considered this item concurrently with agenda item 121 entitled "Financial emergency of the United Nations" at its 47th to 49th meetings, between 15 and 18 December 1990. The Committee had before it the report of the Secretary-General on the current situation and funding prospects for 1991 (A/45/830) and the related report of the Advisory Committee on Administrative and Budgetary Questions (A/45/860).

3. At the 49th meeting, on 18 December, the representative of India, following informal consultations, introduced two draft resolutions, A and B, under both agenda item 120 and agenda item 121 (A/C.5/45/L.17).

4. At the same meeting, the Committee adopted draft resolutions A and B without a vote (see para. 6 below).

5. Comments and observations made in the course of the Fifth Committee's consideration of the items are reflected in the summary records of the meetings (A/C.5/45/SR.47-49).

Recommendation of the Fifth Committee

6. The Fifth Committee recommends to the General Assembly the adoption of draft resolutions A and B below:

CURRENT FINANCIAL CRISIS AND FINANCIAL EMERGENCY OF THE UNITED NATIONS

A

The General Assembly,

Recalling the purposes and principles of the Charter of the United Nations and, in particular, Article 17 thereof,

Recalling also its resolutions 41/213 of 19 December 1986, 42/211 and 42/212 of 21 December 1987, 43/215 of 21 December 1988 and 44/195 A of 21 December 1989,

Deeply concerned that the current financial crisis threatens the financial solvency, stability and work of the Organization,

Noting the significant efforts made by Member States to pay their assessed contributions in full or to reduce the level of their outstanding contributions,

Reaffirming the need for a durable, reliable and lasting financial foundation for the Organization, in accordance with the Charter,

Taking note of the report of the Secretary-General on the current financial crisis of the United Nations (A/45/830), the related report of the Advisory Committee on Administrative and Budgetary Questions (A/45/860) and the views expressed by Member States in the Fifth Committee on this subject (see A/C.5/45/SR.47-49, and corrigendum),

1. *Reiterates* the legal obligation of all Member States, under the Charter of the United Nations, to finance the expenses of the Organization as apportioned by the General Assembly;

2. *Requests* all Member States to pay their outstanding and current assessed contributions in full and in a timely manner in accordance with regulation 5.4 of the Financial Regulations of the United Nations;

3. *Requests* the Secretary-General to continue to monitor the financial situation of the United Nations and to keep the President of the General Assembly and the chairmen of the regional groups informed so as to facilitate consideration by Member States if the situation so requires;

4. *Also requests* the Secretary-General to communicate to all Member States the latest information on the current

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* For the records of the relevant meetings, see *Official Records of the General Assembly, Forty-fifth Session, Fifth Committee*, 47th to 49th meetings, and corrigendum; and *ibid., Plenary Meetings*, 72nd meeting. For the prior consideration of the questions, see *Official Records of the General Assembly, Forty-fourth Session, Annexes*, agenda items 40 and 125.

financial crisis facing the Organization and to submit a report giving his best projections of the financial situation of the Organization to the General Assembly at its forty-sixth session by 15 November 1991, followed by additional and more up-to-date information as soon as possible.

B

The General Assembly,

Recalling its resolutions 42/216 A of 21 December 1987, 43/220 of 21 December 1988, 44/195 B of 21 December 1989 and all previous related resolutions,

Noting the increased importance of the role of the Organization in peace-keeping and, in this regard, recalling paragraph 8 of its resolution 45/75 of 11 December 1990,

Having considered the report of the Secretary-General on the analysis of the financial situation of the United Nations (A/C.5/45/17), and the related report of the Advisory Committee on Administrative and Budgetary Questions (A/45/860),

Noting the improvement in the level of the short-term deficit of the Organization, which it is estimated will be reduced to 260.7 million United States dollars as at 31 December 1990,

Concerned at the precarious financial situation of all peace-keeping operations and noting that troop-contributing Member States, including the developing country troop contributors of past and present peace-keeping operations, have borne most of the burden of the deficit,

Noting with concern the long delays in payment and the partial and non-payment of assessed contributions to past and current peace-keeping operations,

Reiterating earlier appeals to Member States, without prejudice to their position of principle, to make voluntary contributions to the Special Account referred to in annex VI to the report of the Secretary-General on the analysis of the financial situation of the United Nations,

Considering the views expressed by Member States in the Fifth Committee during the forty-fifth session (see A/C.5/45/SR.47-49, and corrigendum),

1. *Urges* all Member States to meet their financial obligations under the Charter of the United Nations by paying promptly and in full all assessed contributions, including advances to the Working Capital Fund and assessments relating to peace-keeping operations;

2. *Expresses its appreciation* to all Member States that pay their assessed contributions in full in accordance with regulation 5.4 of the Financial Regulations of the United Nations;

3. *Requests* the Secretary-General, in addition to sending official communications to the permanent representatives of Member States, to approach, as and when appropriate, the Governments of Member States for the purpose of encouraging the expeditious payment in full of all outstanding assessed contributions to all peace-keeping operations, as well as seeking further voluntary contributions for peace-keeping operations;

4. *Also requests* the Secretary-General to include in his report on the financial emergency of the United Nations, on a regular basis, a detailed analysis of the financial situation of the Organization, including reimbursements owed to Member States for their participation in peace-keeping operations;

5. *Takes note* of the proposal of the Secretary-General for an increase in the level of the Working Capital Fund (A/C.5/45/17, para. 32) and the observations of the Advisory Committee on Administrative and Budgetary Questions in this regard (see A/45/860) and decides to revert to this matter, if necessary, at the forty-sixth session;

6. *Requests* the Secretary-General to submit a report on the financial emergency of the United Nations to the General Assembly each year by 10 October, including therein the results of his efforts in implementation of paragraph 3 of the present resolution.

DOCUMENT A/45/884

Report of the Fifth Committee on agenda item 121

[*Original: Arabic*]
[*19 December 1990*]

1. At its 3rd plenary meeting, on 21 September 1990, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its forty-fifth session as item 121, the item entitled "Financial emergency of the United Nations" and to allocate it to the Fifth Committee for consideration and report.

2. The Fifth Committee considered this item concurrently with agenda item 120 entitled "Current financial crisis of the United Nations" at its 47th to 49th meetings, between 15 and 18 December 1990. The Committee had before it the report of the Secretary-General on the analysis of the financial situation of the United Nations (A/C.5/45/17) and the related report of the Advisory Committee on Administrative and Budgetary Questions (A/45/860).

3. At the 49th meeting, on 18 December, the representative of India, following informal consultations, introduced two draft resolutions, A and B, under both agenda item 120 and agenda item 121 (A/C.5/45/L.17).

4. At the same meeting, the Committee adopted draft resolutions A and B without a vote (see para. 6 below).

5. Comments and observations made in the course of the Fifth Committee's consideration of the item are reflected in the summary records of the meetings (A/C.5/45/SR.47-49).

Recommendation of the Fifth Committee

6. The Fifth Committee recommends to the General Assembly the adoption of draft resolutions A and B below:

[*Same text as draft resolutions A and B in paragraph 6 of document A/45/883 above.*]

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 72nd plenary meeting, on 21 December 1990, the General Assembly adopted draft resolutions A and B submitted under agenda items 120 and 121 by the Fifth Committee in its reports (A/45/883, para. 6 and A/45/884, para. 6). For the final text, see resolutions 45/236 A and B.[1]

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[1] See *Official Records of the General Assembly, Forty-fifth Session, Supplement No. 49.*

LIST OF OTHER DOCUMENTS PERTAINING TO THE ITEMS

Symbol	*Title or description*	*Agenda item*	*Observations and references*
A/45/830	Current situation and funding prospects for 1991: report of the Secretary-General	120	
A/45/860	Report of the Advisory Committee on Administrative and Budgetary Questions	120 and 121	
A/C.5/45/17	Analysis of the financial situation of the United Nations: report of the Secretary-General	121	
A/C.5/45/L.17	Draft resolutions	120 and 121	See A/45/883, paras. 3 and 6 and A/45/884, paras. 3 and 6

United Nations

GENERAL ASSEMBLY

Official Records

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ANNEXES

FORTY-FIFTH SESSION

NEW YORK, 1990/1991

Agenda item 122: Administrative and budgetary co-ordination of the United Nations with the specialized agencies and the International Atomic Energy Agency*

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List of other documents pertaining to the item 2

* For the records of the relevant meetings, see *Official Records of the General Assembly, Forty-fifth Session, Fifth Committee*, 37th, 38th, 40th, 42nd, 43rd and 50th meetings, and corrigendum; and *ibid., Plenary Meetings*, 72nd meeting. For the prior consideration of the question, see *Official Records of the General Assembly, Forty-fourth Session, Annexes*, agenda item 126.

DOCUMENT A/45/885

Report of the Fifth Committee

[*Original: Arabic*]
[*20 December 1990*]

1. At its 3rd meeting, on 21 September 1990, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its forty-fifth session, as item 122, the item entitled "Administrative and budgetary co-ordination of the United Nations with the specialized agencies and the International Atomic Energy Agency", and to allocate it to the Fifth Committee for consideration and report.

2. For its consideration of the item, the Committee had before it the report of the Advisory Committee on Administrative and Budgetary Questions (A/45/798). The Committee also had before it two notes (A/45/130 and A/45/130/Add.1) by the Secretary-General transmitting, respectively, the report of the Joint Inspection Unit on budgeting in organizations of the United Nations system and the comments thereon of the Administrative Committee on Co-ordination.

3. The Committee considered the item at its 37th, 38th, 40th, 42nd, 43rd and 50th meetings, between 27 November and 19 December 1990. Comments and observations made in the course of the Committee's consideration of the item are reflected in the summary records of the meetings (A/C.5/45/SR.37, 38, 40, 42, 43 and 50).

4. At the 50th meeting, on 19 December, following informal consultations, the representative of Germany introduced a draft decision (A/C.5/45/L.18).

5. At the same meeting, the Fifth Committee adopted draft decision A/C.5/45/L.18 without a vote (see para. 6 below).

Recommendation of the Fifth Committee

6. The Fifth Committee recommends to the General Assembly the adoption of the following draft decision:

ADMINISTRATIVE AND BUDGETARY CO-ORDINATION OF THE UNITED NATIONS WITH THE SPECIALIZED AGENCIES AND THE INTERNATIONAL ATOMIC ENERGY AGENCY

The General Assembly:

(*a*) Takes note with appreciation of the report of the Advisory Committee on Administrative and Budgetary Questions on the administrative and budgetary co-ordination of the United Nations with the specialized agencies and the International Atomic Energy Agency (A/45/798);

(*b*) Invites the Advisory Committee to continue its consideration of administrative and budgetary issues relevant to more effective co-ordination among the organizations and programmes of the United Nations system and, in the light of the introductory statement of the Chairman of the Advisory Committee (see A/C.5/45/SR.40, para. 19), welcomes the intention of the Advisory Committee to ensure that statistical information submitted to the General Assembly is timely and to increase its efforts to report on specific matters of system-wide concern, such as conference services, procurement and agency support costs;

(*c*) Approves the conclusions and recommendations, contained in the report of the Chairmen of the Committee for Programme and Co-ordination and the Administrative Committee on Co-ordination on the twenty-fifth series of joint meetings of the two Committees,[1] on the improvement of co-ordination in the United Nations system;

(*d*) Urges the organizations of the United Nations system to lend their full support to the Administrative Committee on Co-ordination for the improvement of the analytical content and forward-looking character of the annual overview report of the Administrative Committee on Co-ordination;

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[1] E/1990/123.

(*e*) Takes note with appreciation of the report of the Joint Inspection Unit on budgeting in organizations of the United Nations system (see A/45/130) and of the comments of the Administrative Committee on Co-ordination thereon (A/45/130/Add.1, annex);

(*f*) Requests the Joint Inspection Unit to continue its work on budgeting techniques and practices in the United Nations system and to update periodically the comparative tables provided in volume II of its report.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 72nd plenary meeting, on 21 December 1990, the General Assembly adopted the draft decision submitted by the Fifth Committee in its report (A/45/885, para. 6). For the final text, see decision 45/450.[2]

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[2] See *Official Records of the General Assembly, Forty-fifth Session, Supplement No. 49.*

LIST OF OTHER DOCUMENTS PERTAINING TO THE ITEM

Symbol	*Title or description*	*Observations and references*
A/45/130	Report of the Joint Inspection Unit on budgeting in organizations of the United Nations system: note by the Secretary-General transmitting the report	
A/45/130/Add.1	________ : note by the Secretary-General submitting the comments of the Administrative Committee on Co-ordination	
A/45/626-S/21869	Letter dated 10 October 1990 from the representative of the Union of Soviet Socialist Republics to the Secretary-General transmitting the text of a memorandum entitled "The United Nations in the post-confrontation world"	*Official Records of the Security Council, Forty-fifth Year, Supplement for October, November and December 1990,* document S/21869
A/45/798	Report of the Advisory Committee on Administrative and Budgetary Questions	
A/C.5/45/L.18	Draft decision	See A/45/885, paras. 4 and 6

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GENERAL ASSEMBLY

Official Records

Agenda item 123

ANNEXES

FORTY-FIFTH SESSION

NEW YORK, 1990/1991

Agenda item 123: Joint Inspection Unit*

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* For the records of the relevant meetings, see *Official Records of the General Assembly, Forty-fifth Session, Fifth Committee*, 3rd, 5th, 7th, 8th, 28th, 32nd and 38th meetings, and corrigendum, and *ibid., Plenary Meetings*, 72nd meeting. For the prior consideration of the question, see *Official Records of the General Assembly, Forty-fourth Session, Annexes*, agenda item 127.

DOCUMENT A/45/795

Report of the Fifth Committee

[*Original: Arabic*]
[*26 November 1990*]

1. At its 3rd plenary meeting, on 21 September 1990, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its forty-fifth session, as item 123, the item entitled "Joint Inspection Unit" and to allocate it to the Fifth Committee for consideration and report, on the understanding that the reports of the Joint Inspection Unit dealing with subject-matters assigned to the other Main Committees would be referred also to those Committees.

2. For its consideration of the item, the Fifth Committee had before it the report of the Joint Inspection Unit (A/45/34), a note (A/45/117) by the Secretary-General transmitting the work programme of the Unit for 1990 and the nucleus of its work programme for 1991-1992 and the report of the Secretary-General on the implementation of the recommendations of the Unit (A/45/441).

3. The Fifth Committee considered the item at its 3rd, 5th, 7th, 8th, 28th, 32nd and 38th meetings, between 5 October and 30 November 1990. Comments and observations made in the course of the Committee's consideration of the item are reflected in the summary records of the meetings (A/C.5/45/SR.3, 5, 7, 8, 28, 32 and 38). The Committee considered another report of the Joint Inspection Unit in the context of its consideration of agenda item 122 (Administrative and budgetary co-ordination of the United Nations with the specialized agencies and the International Atomic Energy Agency).

4. At the 28th meeting, on 14 November, Mr. Koulyk (Ukrainian Soviet Socialist Republic), Vice-Chairman of the Committee, introduced a draft resolution (A/C.5/45/L.4) following informal consultations. The draft resolution read as follows:

"*The General Assembly*,

"*Recalling* its resolutions 41/213 of 19 December 1986 and 42/218 of 21 December 1987 and other recent relevant resolutions,

"*Having considered* the report of the Joint Inspection Unit on its activities during the period 1 July 1989 to 30 June 1990 (A/45/34), the work programme of the Unit for 1990 and the nucleus of its work programme for 1991-1992 (A/45/117, annex) and the report of the Secretary-General on the implementation of the recommendations of the Unit (A/45/441),

"*Reiterating* the importance of a detailed and timely consideration of the reports of the Joint Inspection Unit, particularly by Member States and the organizations concerned,

"*Urging* the executive heads and governing bodies of participating organizations of the Joint Inspection Unit to take full advantage of the resources of the Unit and to give due attention to its reports and recommendations,

"1. *Takes note* of the report of the Joint Inspection Unit and of its work programme for 1990 and the report of the Secretary-General on the implementation of the recommendations of the Unit;

"2. *Expresses its appreciation* to the Joint Inspection Unit for the reform measures it has introduced to improve the quality and effectiveness of its work;

"3. *Encourages* the Joint Inspection Unit to continue to take into account the following measures in order to enhance further the usefulness of its reports to the governing bodies of the participating organizations:

"(*a*) To make a more selective approach in drawing up its work programme to give greater attention to management, budgetary and administrative issues, including those identified by the Advisory Committee on Administrative and Budgetary Questions in its report on the administrative and budgetary co-ordination of the United Nations with the specialized agencies and the International Atomic Energy Agency, and by the Board of Auditors in its audit opinions and reports, as well as those areas of the United Nations system undergoing reform;

"(*b*) To make every possible effort to issue its reports well in advance of meetings of the governing bodies of its participating organizations, in particular the General Assembly, and of the relevant subsidiary bodies, to ensure that the comments of the Secretary-General and those of the Administrative Committee on Co-ordination, where pertinent, are issued in accordance with existing regulations for the timely receipt of documentation;

"(*c*) To make every effort to shorten its reports, using comparative tables and graphics whenever appropriate, and to include therein an executive summary of its recommendations in order to facilitate the consideration of its reports;

"(*d*) To provide a more detailed commentary in its annual report to the General Assembly on the implementation of its recommendations by the United Nations and by the other participating organizations of the Unit;

"(*e*) To concentrate on specific and practical operational problems and to address more precisely defined questions;

"4. *Requests* the Secretary-General to review the research and analytical capacity of the Joint Inspection Unit in the context of the proposed programme budget of the United Nations for 1992-1993, taking into account the implementation of recommendation 15 of the Group of High-Level Intergovernmental Experts to Review the Efficiency of the Administrative and Financial Functioning of the United Nations;[1]

"5. *Takes note with appreciation* of the report of the Joint Inspection Unit on budgeting in organizations of the United Nations system (see A/45/130 and Add.1), which may encourage the harmonization of procedures within the United Nations system, and in particular the recommendations contained therein to facilitate a more equitable and comparable development of budgeting in the organizations of the system;

"6. *Requests* the Secretary-General and the Joint Inspection Unit, in bringing to the attention of the appropriate bodies of the United Nations all reports of the Unit on matters within their respective spheres of competence, to arrange for the earliest possible introduction of reports of the Unit;

"7. *Invites* Governments that are represented on the governing bodies of organizations and programmes for which the Joint Inspection Unit has issued reports to ensure that the reports are given full consideration;

"8. *Encourages* all governing bodies of organizations and programmes to invite, when appropriate, a representative of the Joint Inspection Unit to be present at their meetings when considering the reports of the Unit;

"9. *Requests* the Secretary-General to bring the present resolution to the attention of the executive heads of the participating organizations of the Joint Inspection Unit and to transmit to the General Assembly at its forty-sixth session a report on actions taken by those organizations to enhance consideration of the Unit's reports by the respective governing bodies."

5. At the 32nd meeting, on 21 November, Mr. Koulyk, Vice-Chairman of the Committee, introduced a revised draft resolution (A/C.5/45/L.4/Rev.1) following informal consultations.

6. At the same meeting, the Fifth Committee adopted draft resolution A/C.5/45/L.4/Rev.1 without a vote (see para. 8 below).

7. Also at the same meeting, the representative of the United Kingdom of Great Britain and Northern Ireland made a statement in explanation of position.

Recommendation of the Fifth Committee

8. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolution:

JOINT INSPECTION UNIT

The General Assembly,

Recalling its resolutions 31/192 of 22 December 1976, 41/213 of 19 December 1986 and 42/218 of 21 December 1987 and other recent relevant resolutions,

Having considered the report of the Joint Inspection Unit on its activities during the period 1 July 1989 to 30 June 1990 (A/45/34), the work programme of the Unit for 1990 and the nucleus of its work programme for 1991-1992 (A/45/117, annex) and the report of the Secretary-General on the implementation of the recommendations of the Unit (A/45/441),

Expressing its appreciation to the Joint Inspection Unit for the reform measures it has introduced to improve further its working methods and the quality of its work,

Reiterating the importance of a detailed and timely consideration of the reports of the Joint Inspection Unit, particularly by Member States and the organizations concerned,

Urging the executive heads and governing bodies of participating organizations of the Joint Inspection Unit to take full advantage of the resources of the Unit and to give due attention to its reports and recommendations,

1. *Takes note* of the report of the Joint Inspection Unit and of its work programme for 1990 and of the report of the Secretary-General on the implementation of the recommendations of the Unit;

2. *Encourages* the Joint Inspection Unit to continue to take into account the following measures in order to enhance further the usefulness of its reports to the governing bodies of the participating organizations:

(*a*) To take a more selective approach in drawing up its work programme to give greater attention to management, budgetary and administrative issues, including those identified by the Advisory Committee on Administrative and Budgetary Questions in its report on the administrative and budgetary co-ordination of the United Nations with the specialized agencies and the International Atomic Energy Agency, and by the Board of Auditors in its audit opinions and reports, as well as to those areas of the United Nations system undergoing reform;

(*b*) To make every possible effort to issue its reports well in advance of the meetings of the governing bodies of its participating organizations, in particular the General Assembly, and of the relevant subsidiary bodies, to ensure that the comments of the Secretary-General and those of the Administrative Committee on Co-ordination, where pertinent, are issued in accordance with existing regulations for the timely receipt of documentation;

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[1] See *Official Records of the General Assembly, Forty-first Session, Supplement No. 49* (A/41/49).

(*c*) To make every effort to shorten its reports, using comparative tables and graphics whenever appropriate, and to include therein an executive summary of its recommendations in order to facilitate the consideration of its reports;

(*d*) To provide a more detailed commentary in its annual report to the General Assembly on the implementation of its recommendations by the United Nations and by the other participating organizations of the Unit;

(*e*) To concentrate on specific and practical operational problems and to address more precisely defined questions;

3. *Requests* the Secretary-General to review, in the context of the proposed programme budget for the biennium 1992-1993, the research and analytical capacity of the secretariat of the Joint Inspection Unit in order to enhance its performance, with due respect to the statute of the Unit;

4. *Takes note with appreciation* of the report of the Joint Inspection Unit on budgeting in organizations of the United Nations system (see A/45/130), which may encourage the harmonization of procedures within the United Nations system, and in particular the recommendations contained therein to facilitate a more equitable and comparable development of budgeting in the organizations of the system, as well as the comments of the Administrative Committee on Co-ordination on the report (A/45/130/Add.1, annex);

5. *Requests* the Secretary-General and the Joint Inspection Unit, in bringing to the attention of the appropriate bodies of the United Nations system all reports of the Unit on matters within their respective spheres of competence, to arrange for the earliest possible introduction of reports of the Unit;

6. *Invites* Governments that are represented on the governing bodies of organizations and programmes for which the Joint Inspection Unit has issued reports to ensure that the reports are given full consideration;

7. *Encourages* all governing bodies of the organizations and programmes to invite, when appropriate, a representative of the Joint Inspection Unit to be present at their meetings when considering the reports of the Unit;

8. *Requests* the Secretary-General to bring the present resolution to the attention of the executive heads of the participating organizations of the Joint Inspection Unit and to transmit to the General Assembly at its forty-sixth session a report on actions taken by those organizations to enhance consideration of the reports of the Unit by their respective governing bodies.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 72nd plenary meeting, on 21 December 1990, the General Assembly adopted the draft resolution submitted by the Fifth Committee in its report (A/45/795, para. 8). For the final text, see resolution 45/237.[2]

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[2] See *Official Records of the General Assembly, Forty-fifth Session, Supplement No. 49.*

LIST OF OTHER DOCUMENTS PERTAINING TO THE ITEM

Symbol	*Title or description*	*Observations and references*
A/45/34	Report of the Joint Inspection Unit	*Official Records of the General Assembly, Forty-fifth Session, Supplement No. 34*
A/45/76-E/1990/12	Report of the Joint Inspection Unit entitled "Evaluation of rural development activities of the United Nations system in three African least developed countries": note by the Secretary-General transmitting the report	
A/45/76/Add.1-E/1990/12/Add.1	_________ : note by the Secretary-General submitting the comments of the Administrative Committee on Co-ordination	
A/45/77-E/1990/10	Report of the Joint Inspection Unit entitled "Evaluation of the regional project RLA/79/031: programme on joint studies on Latin American economic integration (ECIEL)": note by the Secretary-General transmitting the report	
A/45/77/Add.1-E/1990/10/Add.1	_________ : note by the Secretary-General submitting his comments	
A/45/113	Report of the Joint Inspection Unit entitled "Human resource development through technical co-operation": note by the Secretary-General transmitting the report	
A/45/113/Add.1	_________ : note by the Secretary-General submitting the comments of the Administrative Committee on Co-ordination	
A/45/117	Note by the Secretary-General transmitting the work programme of the Joint Inspection Unit for 1990 and the nucleus of its work programme for 1991-1992	
A/45/130	Report of the Joint Inspection Unit entitled "Budgeting in organizations of the United Nations system": note by the Secretary-General transmitting the report	
A/45/130/Add.1	_________ : note by the Secretary-General submitting the comments of the Administrative Committee on Co-ordination	
A/45/263	Note by the Secretary-General submitting his comments on the report of the Joint Inspection Unit entitled "Project RLA/86/002 — Support for the foreign services of Latin America: Mid-term evaluation"	
A/45/441	Report of the Secretary-General on the implementation of the recommendations of the Joint Inspection Unit	

Symbol	*Title or description*	*Observations and references*
A/45/648	Note by the Secretary-General submitting the comments of the Administrative Committee on Co-ordination on the report of the Joint Inspection Unit entitled "Practices and procedures aimed at a more equitable geographical distribution of sources of procurement for technical co-operation projects"	
A/45/649 and Corr.1	Report of the Joint Inspection Unit entitled "The co-ordination of activities related to early warning of possible refugees flows": note by the Secretary-General transmitting the report	
A/45/649/Add.1	———: note by the Secretary-General submitting his comments	
A/45/797	Report of the Joint Inspection Unit entitled "Extrabudgetary resources of the United Nations: towards transparency of presentation, management and reporting": note by the Secretary-General transmitting the report	
A/C.5/45/L.4	Draft resolution	See A/45/795, para. 4
A/C.5/45/L.4/Rev.1	Revised draft resolution	*Ibid.*, paras. 5 and 8

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GENERAL ASSEMBLY

Official Records

Agenda item 124

ANNEXES

FORTY-FIFTH SESSION

NEW YORK, 1990/1991

Agenda item 124: Pattern of conferences*

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DOCUMENT A/45/879

Report of the Fifth Committee

[*Original: Arabic*]
[*18 December 1990*]

1. At its 3rd plenary meeting, on 21 September 1990, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its forty-fifth session, as item 124, the item entitled "Pattern of conferences", and to allocate it to the Fifth Committee for consideration and report.

2. The Fifth Committee considered the item at its 4th, 7th, 11th, 12th, 14th and 46th meetings, held between 8 October and 14 December 1990. Comments and observations made in the course of the discussion of the item and replies to queries raised are reflected in the summary records of the meetings (A/C.5/45/SR.4, 7, 11, 12, 14 and 46).

3. For its consideration of the item, the Committee had before it the report of the Committee on Conferences (A/45/32 and Add.1 and Add.1/Corr.1) and the report of the Secretary-General on the printing requirements of the United Nations (A/C.5/45/8). It also had before it letters dated 30 August, 5 September, 18 October and 2 November 1990 from the Chairman of the Committee on Conferences to the President of the General Assembly (A/45/475 and Add.1-3).

Consideration of proposals

4. At its 14th meeting, on 23 October, the Fifth Committee decided, without objection, to recommend that the General Assembly adopt the recommendations made by the Secretary-General in paragraph 13 of his report on the printing requirements of the United Nations (A/C.5/45/8) (see para. 8 below).

5. At the 46th meeting, on 14 December, following informal consultations, the Rapporteur of the Fifth Committee, Mr. Shamel Nasser (Egypt), introduced two draft resolutions, A and B (A/C.5/45/L.8).

6. At the same meeting, the Fifth Committee adopted the draft resolutions without a vote (see para. 7 below, draft resolutions A and B).

Recommendations of the Fifth Committee

7. The Fifth Committee recommends to the General Assembly the adoption of draft resolutions A and B below:

PATTERN OF CONFERENCES

A

Report of the Committee on Conferences

The General Assembly,

Having considered the report of the Committee on Conferences (A/45/32 and Add.1 and Add.1/Corr.1),

Taking note of the various conclusions and recommendations of the Committee on Conferences as included in its report,

Recalling its resolution 44/196 A of 21 December 1989,

1. *Approves* the draft revised calendar of conferences and meetings of the United Nations for 1991 as submitted by the Committee on Conferences (*ibid.*, annex II);

2. *Requests* the Committee on Conferences to review, within its mandate, the existing procedures with regard to inter-sessional departures from the approved calendar of conferences and meetings and to report thereon to the General Assembly at its forty-sixth session;

3. *Authorizes* the Committee on Conferences to make adjustments in the calendar of conferences and meetings for 1991 that may become necessary as a result of action and decisions taken by the General Assembly at its forty-fifth session;

4. *Calls upon* the Committee on Conferences to continue to explore new ways to improve its effectiveness in carrying out its mandate as approved by the General Assembly;

5. *Notes* the efforts made by a number of United Nations organs to improve their utilization of conference-servicing resources;

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* For the records of the relevant meetings, see *Official Records of the General Assembly, Forty-fifth Session, Fifth Committee*, 4th, 7th, 11th, 12th, 14th and 46th meetings, and corrigendum; and *ibid., Plenary Meetings*, 72nd meeting. For the prior consideration of the question, see *Official Records of the General Assembly, Forty-fourth Session, Annexes*, agenda item 128.

6. *Invites* United Nations bodies, in making requests for conference services in accordance with their respective mandates, to ensure that the conference services requested are sufficient to enable them to carry out their tasks fully and that they match, to the extent possible, their actual requirements;

7. *Urges* all United Nations organs and bodies to intensify their efforts to improve their utilization of requested conference-servicing resources;

8. *Calls upon* the Committee on Conferences to consider, within its mandate, further measures to improve the overall efficiency and effectiveness of the use of conference-servicing resources, bearing in mind the relevant recommendations contained in the report of the Group of High-level Intergovernmental Experts to Review the Efficiency of the Administrative and Financial Functioning of the United Nations,[1] as approved by the General Assembly in its resolution 41/213 of 19 December 1986, and to report to the Assembly at its forty-sixth session;

9. *Requests* the Chairman of the Committee on Conferences and the Secretary-General to maintain their contacts with all United Nations organs in order to ensure the most efficient and effective use of conference services allocated to those organs;

10. *Requests* the Chairmen of United Nations organs to bring the concerns about the utilization of conference-servicing resources to the attention of the organs concerned;

11. *Requests* the Committee on Conferences, in implementing the new methodology on conference-servicing utilization rates, to consider additional elements proposed in the discussions in the Fifth Committee and to report thereon to the General Assembly;

12. *Also requests* the Committee on Conferences to remain seized of the matter of the improved utilization of conference-servicing resources on the basis of further reports of the Secretary-General;

13. *Welcomes* the efforts of the Secretary-General in the area of system-wide co-ordination of conference services and invites him in this regard to use more extensively the co-ordinating potential of the Consultative Committee on Administrative Questions;

14. *Also welcomes* the revised work-load standards for conference-servicing staff, which, as noted in section II, paragraph 2, of General Assembly resolution 45/248 A of 21 December 1990, reflect a further step towards enhanced productivity of conference-servicing staff;

15. *Requests* the Secretary-General, in view of continuing investments in technologies, to continue to explore ways to achieve optimum use of all resources in the area of conference-servicing.

B

Control and limitation of documentation

The General Assembly,

Recalling its resolution 44/196 B of 21 December 1989,

Recalling also its resolution 41/213 of 19 December 1986,

Taking into account the continuing financial crisis and the need to improve efficiency and effectiveness,

1. *Requests* the Committee on Conferences to continue to review the question of the provision of summary records on a regular basis and to report thereon to the General Assembly as appropriate;

2. *Decides* that, pending a further decision of the General Assembly on the recommendations of the Committee on Conferences, no subsidiary organ of the Assembly shall be entitled to summary records, with the exception of the following:

(*a*) *Ad Hoc* Committee on the Indian Ocean;

(*b*) Committee on the Exercise of the Inalienable Rights of the Palestinian People;

(*c*) International Law Commission;

(*d*) Legal Sub-Committee of the Committee on the Peaceful Uses of Outer Space;

(*e*) Special Committee against *Apartheid;*

(*f*) United Nations Commission on International Trade Law;

3. *Decides* that summary records shall continue to be provided to regular and special sessions of the following governing bodies: the Executive Board of the United Nations Children's Fund, the Executive Committee of the Programme of the United Nations High Commissioner for Refugees, and the Governing Council of the United Nations Development Programme;

4. *Renews its appeal* to Member States to exercise restraint in their requests for the circulation of communications as United Nations documents and to keep their submissions as brief as possible;

5. *Also renews its appeal* to Member States and organizations of the United Nations system to respond in a timely manner to requests for information for inclusion in documents;

6. *Requests* the Secretary-General to take all appropriate measures to ensure that pre-session documents for meetings are distributed not less than six weeks before the meetings, simultaneously in all official languages of the organs of the United Nations, in accordance with General Assembly resolutions 33/56 of 14 December 1978 and 36/117 B of 10 December 1981, and to circulate eight weeks before the opening of a session of an intergovernmental body, with the annotated agenda of the session, a report on the state of preparation at that time of all the documents in all languages required for the session;

7. *Requests* the secretariats of subsidiary organs to bring the recommendations of the General Assembly on the desirable thirty-two-page limit for their reports to the Assembly to the attention of the subsidiary organs at the start of substantive sessions;

8. *Requests* that intergovernmental organs exercise restraint in their authorization of recurrent publications;

9. *Requests* the Secretary-General to maximize the use of internal printing facilities, revising the format of United Nations documents for which external printing is now required, as appropriate;

10. *Requests* the Committee on Conferences to keep the matter under review and to report to the General Assembly at its forty-seventh session.

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[1] *Official Records of the General Assembly, Forty-first Session, Supplement No. 49* (A/41/49).

8. The Fifth Committee also recommends to the General Assembly the adoption of the following draft decision:

PRINTING REQUIREMENTS OF THE UNITED NATIONS

The General Assembly recommends that the current policies and practices of the United Nations shall be continued so that maximum use is made of internal printing capacities established to meet peak requirements for the production of parliamentary documentation at major conference centres, including the regional commissions, and that use of external printing services shall be carefully controlled so as to ensure that such services are procured on the most economic and efficient basis.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 72nd plenary meeting, on 21 December 1990, the General Assembly adopted draft resolutions A and B submitted by the Fifth Committee in its report (A/45/879, para. 7). For the final text, see resolutions 45/238 A and B.[2]

At the same meeting, the General Assembly adopted the draft decision submitted by the Fifth Committee in its report (*ibid.*, para. 8). For the final text, see decision 45/451.[2]

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[2] *Ibid., Forty-fifth Session, Supplement No. 49.*

LIST OF OTHER DOCUMENTS PERTAINING TO THE ITEM

Symbol	*Title or description*	*Observations and references*
A/45/32 and Add.1 and Add.1/Corr.1	Report of the Committee on Conferences	*Official Records of the General Assembly, Forty-fifth Session, Supplement No. 32* and addendum and corrigendum
A/45/475 and Add.1-3	Letters dated 30 August, 5 September, 18 October and 2 November 1990 from the Chairman of the Committee on Conferences to the President of the General Assembly	
A/C.5/45/8	Report of the Secretary-General on the printing requirements of the United Nations	
A/C.5/45/L.8	Draft resolutions	See A/45/879, paras. 5 and 7, draft resolutions A and B.
	Programme budget implications of holding a special session of the International Civil Service Commission	
A/C.5/45/16	Note by the Secretary-General	
A/45/665	Report of the Fifth Committee	See annex fascicle, agenda item 118

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GENERAL ASSEMBLY

Official Records

Agenda item 125

ANNEXES

FORTY-FIFTH SESSION

NEW YORK, 1990/1991

Agenda item 125: Scale of assessments for the apportionment of the expenses of the United Nations*

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DOCUMENT A/45/902

Report of the Fifth Committee

[Original: Arabic]
[21 December 1990]

1. At its 3rd plenary meeting, on 21 September 1990, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its forty-fifth session, as item 125, the item entitled "Scale of assessments for the apportionment of the expenses of the United Nations", and to allocate it to the Fifth Committee for consideration and report.

2. For its consideration of the item, the Fifth Committee had before it the report of the Committee on Contributions (A/45/11).

3. The Fifth Committee considered the item at its 3rd to 5th, 7th to 9th, 12th, 13th, 15th and 52nd meetings, between 5 October and 21 December 1990. Comments and observations made in the course of the discussion of the item are reflected in the summary records of the meetings (A/C.5/45/SR.3-5, 7-9, 12, 13, 15 and 52).

4. At the 52nd meeting, on 21 December, Ms. Mustonen (Finland), Vice-Chairman of the Fifth Committee, introduced three draft resolutions, A to C (A/C.5/45/L.22), which were elaborated following informal consultations.

5. At the same meeting, the Committee adopted draft resolutions A to C without objection (see para. 7 below).

6. After the adoption of the draft resolutions, statements in explanation of position were made by the representatives of Mexico, Cuba, Libyan Arab Jamahiriya, Brazil, India, Hungary, Romania, Kuwait, Venezuela, Belgium, the United Arab Emirates, Italy (on behalf of the 12 member States of the European Community), Oman, the United Kingdom of Great Britain and Northern Ireland, Japan, Singapore and Yemen.

Recommendation of the Fifth Committee

7. The Fifth Committee recommends to the General Assembly the adoption of draft resolutions A to C below:

SCALE OF ASSESSMENTS FOR THE APPORTIONMENT OF THE EXPENSES OF THE UNITED NATIONS

A

The General Assembly,

Recalling all its previous resolutions on the scale of assessments, in particular resolutions 43/223 B of 21 December 1988 and 44/197 A of 21 December 1989,

Having considered the report of the Committee on Contributions (A/45/11),

Taking note of the views expressed in the Fifth Committee during the forty-fifth session (see A/C.5/45/SR.3-5, 7-9, 12, 13, 15 and 52, and corrigendum),

Bearing in mind the difficult economic situation faced by many Member States, in particular the developing countries and among them the least developed countries,

1. *Reaffirms* that:

(*a*) The capacity of Member States to pay is the fundamental criterion for determining the scale of assessments;

(*b*) The scale of assessments should be determined on the basis of reliable, verifiable and comparable data;

(*c*) The methodology for determining the scale of assessments should be simplified as far as possible with a view to making it more transparent and stable over time;

2. *Requests* the Committee on Contributions to recommend to the General Assembly at its forty-sixth session a scale of assessments whose period of applicability will then be decided by the Assembly and which is prepared on the basis of the recommendations of the Committee contained in its report (A/45/11), taking into account the following:

(*a*) The debt adjustment approach used in the preparation of the scale of assessments for the period 1989-1991;

(*b*) A low per capita income allowance formula, taking into account the recommendations of the Committee, adjusted in accordance with the evolution of the average world per capita income until 1989;

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* For the records of the relevant meetings, see *Official Records of the General Assembly, Forty-fifth Session, Fifth Committee*, 3rd to 5th, 7th to 9th, 12th, 13th, 15th and 52nd meetings, and corrigendum; and *ibid., Plenary Meetings*, 1st, 6th, 16th, 25th, 66th, 72nd, 73rd, 75th, 77th and 80th to 82nd meetings. For the prior consideration of the question, see *Official Records of the General Assembly, Forty-fourth Session, Annexes*, agenda item 129.

(*c*) Individual rates for the least developed countries should not exceed their present level, namely 0.01 per cent;

3. *Also requests* the Committee on Contributions to use the criteria specified in paragraph 42 of its report for the *ad hoc* adjustment of the machine scale and to provide detailed information on the decisions made in this regard, it being recognized that the *ad hoc* adjustment process depends on the availability of points provided voluntarily by Member States;

4. *Further requests* the Committee on Contributions to continue its work on the improvement of the methodology for the preparation of future scales of assessment, in particular with regard to:

(*a*) The scheme of limits, with a view to reducing speedily any of its excessive distorting effects;

(*b*) The possible modification of the statistical base period;

(*c*) The possibility of excluding the allocation of any additional points, as a result of the application of the scheme of limits, to those Member States having a very low per capita income;

(*d*) The application of debt-adjusted income as recommended by the Committee in its report and the debt adjustment factor and taking into account the views expressed during the forty-fifth session of the General Assembly;

(*e*) The application of price-adjusted rates of exchange;

(*f*) Alternative income concepts;

(*g*) The possible use of factors that take account of the situation of countries with economic characteristics such as those outlined in paragraph 3 of Assembly resolution 43/223 B;

(*h*) The relationship of each of the elements and factors as part of the overall methodology;

5. *Requests* the Committee on Contributions to submit to the General Assembly at its forty-sixth session a report on the work undertaken in response to the requests contained in paragraph 4 of the present resolution;

6. *Requests* the Secretary-General to provide the Committee on Contributions with the facilities it requires to carry out its work, including supplementary assistance if necessary.

B

The General Assembly

Resolves that:

1. The rates of assessment for the following States, admitted to membership in the United Nations on 23 April and 18 September 1990, respectively, shall be as follows:

Member State	*Per cent*
Namibia	0.01
Liechtenstein	0.01

For 1990 and 1991, these rates shall be added to the scale of assessments established under General Assembly resolution 43/223 A of 21 December 1988;

2. For the year of their admission, Namibia shall contribute at the rate of one fourth of 0.01 per cent and Liechtenstein at the rate of one ninth of 0.01 per cent, such contributions to be taken into account as miscellaneous income under regulation 5.2 (*c*) of the Financial Regulations of the United Nations. Liechtenstein's contribution shall be adjusted by one ninth of the flat fee paid for its participation in United Nations activities as a non-member State;

3. For the year 1991, Namibia and Liechtenstein shall each contribute at the rate of 0.01 per cent, such contribution by Liechtenstein also to be taken into account as miscellaneous income under regulation 5.2 (*c*) of the Financial Regulations of the United Nations;

4. The contributions of Namibia and Liechtenstein for 1990 and 1991 shall be applied to the same basis of assessment as for other Member States, except that, in the case of appropriations or apportionments approved by the General Assembly for the financing of peace-keeping operations, the contributions of those States, as determined by the group of contributors to which they may be assigned by the Assembly, shall be calculated in proportion to the calendar year;

5. The advances of Namibia and Liechtenstein to the Working Capital Fund, under regulation 5.8 of the Financial Regulations of the United Nations, shall be calculated by the application of the rates of assessment of 0.01 per cent each to the authorized level of the Fund, such advances to be added to the Fund pending the incorporation of the new Members' rates of assessment in a 100 per cent scale;

6. Yemen, having been formed when the People's Democratic Republic of Yemen and the Yemen Arab Republic merged on 22 May 1990, shall contribute at the rate of 0.02 per cent for 1990 and 0.01 per cent for 1991 with a corresponding reduction in the State's advance to the Working Capital Fund;

7. Following the accession of the German Democratic Republic to the Federal Republic of Germany on 3 October 1990, and in compliance with the current scale methodology and based on the statistical and economic data available for the Federal Republic of Germany and the German Democratic Republic, Germany shall contribute at the rate of 9.36 per cent for 1991.

C

The General Assembly,

Recalling rule 160 of the rules of procedure of the General Assembly,

Requests the Committee on Contributions to hold in 1991, on an experimental basis, one or two information meetings, in a manner to be decided by the Committee, prior to executing the *ad hoc* adjustment of the machine scale, so as to give Member States the opportunity to provide the Committee with additional information as deemed necessary for the purpose of making the *ad hoc* adjustments.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 72nd plenary meeting, on 21 December 1990, the General Assembly adopted draft resolutions A to C submitted by the Fifth Committee in its report (A/45/902, para. 7). For the final text, see resolutions 45/256 A to C.[1]

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[1] See *Official Records of the General Assembly, Forty-fifth Session, Supplement No. 49*.

LIST OF OTHER DOCUMENTS PERTAINING TO THE ITEM

Symbol	*Title or description*	*Observations and references*
A/45/11	Report of the Committee on Contributions	*Official Records of the General Assembly, Forty-fifth Session, Supplement No. 11*
A/45/75	Letter dated 3 January 1990 from the representatives of Denmark, Finland, Iceland, Norway and Sweden to the Secretary-General	
A/45/78	Letter dated 5 January 1990 from the representative of Canada to the Secretary-General	
A/45/515 and Add.1-3	Letters dated 18 and 25 September and 2 and 8 October 1990 from the Secretary-General to the President of the General Assembly	
A/45/1004 and Add.1-4	Letters dated 29 April, 13 and 31 May, 26 August and 13 September 1991 from the Secretary-General to the President of the General Assembly	
A/C.5/45/L.22	Draft resolutions	See A/45/902, paras. 4 and 7, draft resolutions A to C

United Nations

GENERAL ASSEMBLY

Official Records

Agenda item 126

ANNEXES

FORTY-FIFTH SESSION

NEW YORK, 1990/1991

Agenda item 126: Personnel questions:*

(*a*) Composition of the Secretariat;

(*b*) Respect for the privileges and immunities of officials of the United Nations and the specialized agencies and related organizations;

(*c*) Other personnel questions

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DOCUMENTS A/45/898 AND ADD.1

Report of the Fifth Committee

DOCUMENT A/45/898

PART I OF THE REPORT

[*Original: Arabic*]
[*20 December 1990*]

1. At its 3rd plenary meeting, on 21 September 1990, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its forty-fifth session, as item 126, the item entitled:

> "Personnel questions:
>
> "(*a*) Composition of the Secretariat;
>
> "(*b*) Respect for the privileges and immunities of officials of the United Nations and the specialized agencies and related organizations;
>
> "(*c*) Other personnel questions",

and to allocate it to the Fifth Committee for consideration and report.

2. The Fifth Committee considered the item at its 15th, 16th, 19th, 22nd, 24th to 28th and 51st meetings, held between 24 October and 20 December 1990. The views expressed by the delegations during the discussions are reflected in the summary records of the meetings (A/C.5/45/SR.15, 16, 19, 22, 24-28 and 51).

3. For its consideration of sub-item (*a*), the Committee had before it the following documents:

(*a*) Report of the Secretary-General on the composition of the Secretariat (A/45/541);

(*b*) Report of the Secretary-General transmitting a list showing, by office, department and organizational element, the names, functional titles, nationalities and grades of all staff members of the United Nations Secretariat holding appointments of one year or more on 30 June 1990 (A/C.5/45/L.2).

4. For its consideration of sub-item (*b*), the Committee had before it a report of the Secretary-General on the respect for the privileges and immunities of officials of the United Nations and the specialized agencies and related organizations (A/C.5/45/10 and Corr.1).

5. For its consideration of sub-item (*c*), the Committee had before it the following documents:

(*a*) Report of the Secretary-General on the improvement of the status of women in the Secretariat (A/45/548);

(*b*) Report of the Secretary-General on the administration of justice in the Secretariat (A/C.5/45/11);

(*c*) Report of the Advisory Committee on Administrative and Budgetary Questions on the administration of justice in the Secretariat (A/45/806);

(*d*) Report of the Secretary-General on secondment from government service (A/C.5/45/12);

(*e*) Analytical report of the Secretary-General on the implementation of General Assembly resolution 41/213 (A/45/226);

(*f*) Report of the Secretary-General on amendments to the Staff Regulations (A/C.5/45/3 and Corr.1);

(*g*) Report of the Secretary-General on amendments to the Staff Rules (A/C.5/45/18).

6. Under agenda item 126, the Committee also considered a note by the Secretary-General transmitting the views of the staff representatives of the United Nations Secretariat (A/C.5/45/19).

7. At its 15th meeting, on 24 October, the Committee decided, without objection, to invite a designated repre-

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* For the records of the relevant meetings, see *Official Records of the General Assembly, Forty-fifth Session, Fifth Committee*, 15th, 16th, 19th, 22nd, 24th to 28th, 51st and 55th meetings, and corrigendum; and *ibid., Plenary Meetings*, 72nd to 74th meetings. For the prior consideration of the question, see *Official Records of the General Assembly, Forty-fourth Session, Annexes*, agenda item 130.

sentative of the staff of the United Nations Secretariat to make an oral statement before the Committee, pursuant to the provisions of General Assembly resolution 35/213 of 17 December 1980.

Consideration of proposals

A. *Draft resolutions A to C and the draft decision submitted by the Chairman of the Fifth Committee in document A/C.5/45/L.23*

8. At the 51st meeting, on 20 December, the Chairman of the Fifth Committee, following informal consultations, introduced three draft resolutions, A to C, under the general title "Personnel questions". Draft resolution A was entitled "Composition of the Secretariat"; draft resolution B, "Administration of justice in the Secretariat"; and draft resolution C, "Improvement of the status of women in the Secretariat". The Chairman also introduced a draft decision entitled "Amendments to the Staff Rules".

9. At the same meeting, the Committee adopted draft resolutions A to C without objection (see para. 15 below, draft resolution I).

10. Also at the same meeting, the Committee adopted the draft decision without objection (see para. 16 below).

11. The representative of the United Kingdom of Great Britain and Northern Ireland explained his position after the adoption of the draft resolutions and the draft decision.

B. *Draft resolution A/C.5/45/L.24*

12. At the 51st meeting, the Chairman, following informal consultations, introduced a draft resolution (A/C.5/45/L.24) entitled "Respect for the privileges and immunities of officials of the United Nations and the specialized agencies and related organizations".

13. At the same meeting, the Committee adopted draft resolution A/C.5/45/L.24 without objection (see para. 15 below, draft resolution II).

14. The representative of the United Kingdom of Great Britain and Northern Ireland explained his position after the adoption of the draft resolution.

Recommendations of the Fifth Committee

15. The Fifth Committee recommends to the General Assembly the adoption of draft resolutions I, A to C, and II below:

Draft resolution I

PERSONNEL QUESTIONS

A

COMPOSITION OF THE SECRETARIAT

The General Assembly,

I

Recalling Articles 97, 100 and 101 of the Charter of the United Nations,

Reaffirming its resolutions 33/143 of 20 December 1978, 35/210 of 17 December 1980, 41/213 of 19 December 1986, 42/220 A of 21 December 1987, 43/224 A of 21 December 1988 and 44/185 A of 19 December 1989,

Recognizing the importance of maintaining a qualified, independent and geographically balanced international civil service,

Having considered the report of the Secretary-General on the composition of the Secretariat (A/45/541) and the relevant sections of the analytical report of the Secretary-General on the implementation of General Assembly resolution 41/213 (A/45/226),

Noting with appreciation the progress made in reducing the number of Member States that are unrepresented or underrepresented in the Secretariat,

Recognizing that matters related to the representation of Member States in the Secretariat are dealt with on a country basis,

Noting the positive results of national competitive examinations for posts at the P-1 and P-2 levels and the intention of the Secretary-General to introduce national competitive examinations for posts at the P-3 level in two occupational groups,

Noting also the continued efforts made to fill posts in organizational units with high vacancy rates, particularly in the regional commissions,

Noting further that there are limited opportunities for promotion in some occupational groups in the Secretariat,

Bearing in mind the views on personnel questions expressed by Member States in the Fifth Committee during the forty-fifth session (see A/C.5/45/SR.15, 16, 19, 22, 24-28 and 51, and corrigendum),

1. *Reiterates* its full support for the Secretary-General as the chief administrative officer of the Organization, and underlines its full respect for his prerogatives and responsibilities under the Charter of the United Nations;

2. *Requests* the Secretary-General to strengthen the role and emphasize the authority of the Office of Human Resources Management of the Secretariat in accordance with recommendation 41 of the Group of High-level Intergovernmental Experts to Review the Efficiency of the Administrative and Financial Functioning of the United Nations;[1]

3. *Reaffirms*, in accordance with the Charter, that the paramount consideration in the appointment, promotion, granting or reviewing of permanent contracts and career development of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence and integrity, and that this consideration is fully compatible with the principle of equitable geographical distribution;

4. *Urges* the Secretary-General, whenever making appointments at all levels to posts subject to geographical distribution, to make every effort to recruit nationals of unrepresented and underrepresented Member States, bearing in mind also the need to increase the number of staff recruited from Member States below the mid-point of their desirable ranges;

5. *Notes* that the existing practice of holding national competitive examinations is a useful tool for recruitment, *inter alia*, from unrepresented and underrepresented Member States, and requests the Secretary-General to expedite the recruitment of candidates successful in national competitive examinations with a view to filling all posts committed to each examination with the shortest possible delay;

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[1] See *Official Records of the General Assembly, Forty-first Session, Supplement No. 49* (A/41/49).

6. *Requests* the Secretary-General to take every available measure to ensure, at the senior and policy-formulating levels of the Secretariat, the equitable representation of Member States, in particular of developing countries and Member States with inadequate representation at those levels, in accordance with the relevant resolutions of the General Assembly, and to include relevant information in future reports on the composition of the Secretariat;

7. *Also requests* the Secretary-General, in order to preserve the principles of equitable geographical distribution and rotation in the upper echelons of the Secretariat, to ensure that equal opportunity is given to candidates of all Member States when making appointments to all posts in the upper echelons, and not to extend, as a rule, the service of under-secretaries-general and assistant secretaries-general for a period exceeding ten years, in accordance with recommendation 54 of the Group of High-level Intergovernmental Experts;[1]

8. *Reaffirms* that no post should be considered the exclusive preserve of any Member State or group of States, and accordingly requests the Secretary-General, when making appointments to high-level and policy-formulating posts, to give equal opportunity to all Member States through the announcement of such posts to the extent possible, with due regard to the principles of the highest standards of efficiency, competence and integrity and of equitable geographical distribution, bearing in mind that appointments are to be made at the discretion of the Secretary-General against specific selection criteria in accordance with Article 101 of the Charter;

9. *Requests* the Secretary-General to continue his efforts aimed at improving the composition of the Secretariat by ensuring a broad and equitable geographical distribution of staff in the Professional and higher categories in all main departments and offices, bearing in mind that the paramount consideration shall be the necessity of securing the highest standards of efficiency, competence and integrity, and to report thereon to the General Assembly at its forty-seventh session;

10. *Also requests* the Secretary-General to consider measures in order to ensure, to the extent possible, the representation of the main legal systems in the Secretariat, where appropriate;

11. *Further requests* the Secretary-General, in order to ensure that equal opportunity is given to internal and external candidates, to take appropriate measures for the timely distribution of vacancy announcements to all Member States;

12. *Requests* the Secretary-General, with respect to the recruitment, transfer and promotion of staff for placement in the regional commissions, to make every effort to encourage equitable representation of all Member States in the regional commissions, in order to reduce the high vacancy rates;

13. *Also requests* the Secretary-General to include in the report on the composition of the Secretariat to be submitted to the General Assembly at its forty-seventh session statistical tables indicating the nationality of staff serving in posts financed from extrabudgetary resources in the Secretariat;*

14. *Further requests* the Secretary-General to include in future reports on the composition of the Secretariat statistical tables broken down by the current groupings of Member States as well as tables in alphabetical order and to continue to produce tables showing the representation of developing and other countries in posts subject to geographical distribution;

15. *Requests* the Secretary-General to submit to the General Assembly at its forty-sixth session a report on the implementation of a competitive examination for posts at the P-3 level in two occupational groups;

16. *Also requests* the Secretary-General to pursue efforts towards the establishment of a comprehensive career development system for all categories of staff, bearing in mind the need to secure the highest standards of competence, efficiency and integrity and to promote mobility, and to report on this system to the General Assembly at its forty-seventh session;

17. *Further requests* the Secretary-General to continue efforts to develop further and redefine classification and evaluation systems and promotion procedures as an integral part of the vacancy management system, taking into account, *inter alia*, concepts of career ladders and linked grades, in consultation with the International Civil Service Commission, as appropriate, and to report thereon to the General Assembly at its forty-seventh session;

18. *Reiterates its request* to the Secretary-General to submit to the General Assembly, at its forty-sixth session, a report on the issues mentioned in paragraph 8 of its resolution 44/185 A;

19. *Urges* the Secretary-General to strengthen the training and retraining capabilities of the Secretariat at all duty stations, and requests him to submit a report to the General Assembly at its forty-seventh session on efforts to implement training programmes in the areas of language training, electronic data processing training, basic supervisory training and the upgrading of the professional knowledge of staff in substantive areas in conformity with recommendation 58 of the Group of High-level Intergovernmental Experts;[1]

20. *Requests* the Secretary-General to continue the review of staff-management activities and of the cost of staff representation in order to establish a more coherent, transparent and cost-effective framework for staff-management activities and to report thereon to the General Assembly at its forty-sixth session;

21. *Also requests* the Secretary-General to submit, in the context of all future programme budgets, specific information concerning expenditures relating to staff union activities, including staffing costs;

22. *Further requests* the Secretary-General, within the framework of staff-management consultations, to stress the need to solve outstanding issues through regular channels so as to ensure the functioning of the Organization;

II

Having considered the report of the Secretary-General on secondment from government service (A/C.5/45/12),

Recalling Articles 100 and 101 of the Charter of the United Nations,

Recognizing that there are differences inherent in the secondment of staff from government service to the United Nations and secondment between agencies of the United Nations common system,

Noting the uncertain status of many staff members made available to the United Nations by their respective Governments under current secondment procedures *vis-à-vis* their re-employment rights as government civil servants,

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* This is understood not to include United Nations organs that have delegated authority in matters of appointment of the staff.

Taking into account the views expressed by Member States during the debate concerning secondment from government service at its forty-fifth session,

1. *Affirms* that secondment is not in conflict with Articles 100 and 101 of the Charter of the United Nations;

2. *Reaffirms* that secondment of staff from government service to the Secretariat can be beneficial to both the United Nations and Member States;

3. *Endorses* the basic approach of the Secretary-General regarding secondment as set out in his report, and requests him to review the procedures for future secondment from government service, taking into account the legitimate interests of the Organization and of the government service and the individual concerned, and to submit appropriate amendments to the Staff Regulations to the General Assembly at its forty-sixth session;

4. *Meanwhile requests* the Secretary-General to deal with individual contracts on the basis of the approach described in paragraph 15 of his report, without prejudice to the rights of individuals as staff members of the Organization;

5. *Invites* Member States to continue to honour their obligations *vis-à-vis* their nationals made available to the United Nations under the current secondment procedures until their status is ascertained;

III

1. *Requests* the Secretary-General to exercise flexibility in the application of the desirable ranges in individual recruitment cases keeping in view all parts of the present resolution;

2. *Also requests* the Secretary-General to submit a report to the General Assembly at its forty-sixth session in the light of section III, paragraph 2, of General Assembly resolution 42/220 A on alternative options for desirable ranges, which was to have been considered at the forty-fifth session, and therefore resolves to decide this matter on a priority basis at the forty-sixth session of the Assembly;

3. *Further requests* the Secretary-General to include in the report referred to in paragraph 2 above other possible methodological ways for the distribution of posts subject to geographical distribution among Member States.

B

ADMINISTRATION OF JUSTICE IN THE SECRETARIAT

The General Assembly,

Reaffirming the importance of a just and efficient internal justice system in the Secretariat,

Recalling its resolutions 42/220 B of 21 December 1987, 43/224 B of 21 December 1988 and 44/185 B of 19 December 1989,

Having considered the report of the Secretary-General on the administration of justice in the Secretariat (A/C.5/45/11) and the related report of the Advisory Committee on Administrative and Budgetary Questions (A/45/806),

1. *Recognizes* the considerable progress achieved in the area of the administration of justice in the Secretariat, in particular the efficient functioning of the Headquarters Joint Appeals Board and the promulgation of a fully revised set of disciplinary rules;

2. *Requests* the Secretary-General to continue with reforms in the administration of justice in the Secretariat in accordance with resolution 44/185 B and to establish by 1991 an effective system for informal settlements of staff grievances as well as a well-functioning disciplinary system;

3. *Also requests* the Secretary-General to undertake a study of the overall system of administration of justice taking into account the concrete suggestions for improvement of the system, *inter alia*, those regarding the establishment of an office of ombudsman and the functioning of the United Nations Administrative Tribunal, the Committee on Applications for Review of Administrative Tribunal Judgements and the Panel on Discrimination and Other Grievances made by Member States during the forty-fifth session of the General Assembly and to report thereon to the Assembly at its forty-seventh session.

C

IMPROVEMENT OF THE STATUS OF WOMEN IN THE SECRETARIAT

The General Assembly,

Reaffirming that the United Nations shall place no restrictions on the eligibility of men and women to participate in any capacity and under conditions of equality in its principal and subsidiary organs,

Recalling Articles 97, 100 and 101 of the Charter of the United Nations,

Recalling its resolution 2715 (XXV) of 15 December 1970, in which it first addressed the question of the employment of women in the Professional category, and all relevant resolutions that have continued to focus on this area since then, particularly its resolution 40/258 B of 18 December 1985, in which it welcomed the action programme to improve the status of women in the Secretariat for 1985-1990,

Noting with satisfaction that the question of the improvement of the status of women in the secretariats of the United Nations system continues to be a standing item on the agenda of the Administrative Committee on Co-ordination,

Taking account of the relevant part of the report of the International Civil Service Commission (A/45/30 and Add.1, chap. VIII),

Taking note of the report of the Secretary-General on the improvement of the status of women in the Secretariat (A/45/548) and section II.G of the report of the Secretary-General on the composition of the Secretariat (A/45/541),

Noting with concern that, although there has been a slight increase in the percentage of women in the Secretariat, women fill only 7.1 per cent of posts at the D-1 level and above,

Reaffirming that the Fifth Committee is the appropriate Main Committee of the General Assembly entrusted with responsibility for administrative, budgetary and personnel matters, including, *inter alia*, the issue of representation of women in the Secretariat,

1. *Reiterates* its full support for the Secretary-General as the chief administrative officer of the Organization and his prerogatives and responsibilities under the Charter of the United Nations;

2. *Urges* the Secretary-General to continue his efforts to increase the number of women in posts subject to geographical distribution, particularly in senior policy-level and decision-making posts, in order to achieve an overall participation rate of 30 per cent by the end of 1990 and, to the extent possible, to 35 per cent by 1995, taking into account the principle that the paramount consideration shall be the necessity of securing the highest standards of efficiency, competence and integrity with full respect for the principle of equitable geographical distribution;

3. *Also urges* the Secretary-General, all things being equal and to the extent possible, to accord priority to the participation of women at the D-1 level and above with a view to increasing the participation rate of women in posts at the D-1 level and above to 25 per cent of the total within the overall participation rate of women in 35 per cent of posts subject to geographical distribution by 1995;

4. *Reiterates its request* that the Secretary-General make every effort to increase the representation of women from developing countries, in particular at the D-1 level and above;

5. *Requests* the Secretary-General to make every effort to increase the representation of women from those countries with a low representation of women;

6. *Also requests* the Secretary-General, in accordance with General Assembly resolution 44/185 C of 19 December 1989, to develop an action programme for the advancement of women in the Secretariat for the period 1991-1995, incorporating as necessary the unfulfilled points of the 1985-1990 action programme and to report thereon to the Assembly at its forty-sixth session;

7. *Further requests* the Secretary-General to include in the action programme for the advancement of women in the Secretariat for the period 1991-1995: (*a*) a comprehensive evaluation and analysis by the Secretariat of the main obstacles to the improvement of the status of women in the Organization; (*b*) proposed measures to overcome the under-representation of women from certain Member States; and (*c*) a detailed programme of activities, including monitoring procedures and a timetable for their completion;

8. *Requests* the Secretary-General to maintain the existing Secretariat machinery an to consider the adequacy of the existing machinery to implement the action programme, taking account of the work-loads in the relevant offices, and to report thereon when submitting the action programme for the period 1991-1995;

9. *Requests* Member States to continue to support the efforts of the United Nations, the specialized agencies and related organizations to increase the participation of women in the Professional category and above by, *inter alia*, nominating more women candidates, especially for senior policy-level and decision-making posts, by encouraging women to apply for vacant posts and by creating national rosters of women candidates to be shared with the Secretariat, specialized agencies and related organizations.

Draft resolution II

RESPECT FOR THE PRIVILEGES AND IMMUNITIES OF OFFICIALS OF THE UNITED NATIONS AND THE SPECIALIZED AGENCIES AND RELATED ORGANIZATIONS

The General Assembly,

Recalling that, under Article 100 of the Charter of the United Nations, each Member of the United Nations undertakes to respect the exclusively international character of the responsibilities of the Secretary-General and the staff and not to seek to influence them in the discharge of their responsibilities,

Also recalling that, under Article 105 of the Charter, all officials of the Organization shall enjoy in the territory of each of its Member States such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organization,

Further recalling the Convention on the Privileges and Immunities of the United Nations,[2] the Convention on the Privileges and Immunities of the Specialized Agencies,[3] the Agreement on the Privileges and Immunities of the International Atomic Energy Agency and the United Nations Development Programme Standard Basic Assistance Agreements,

Stressing that respect for the privileges and immunities of officials of the United Nations and the specialized agencies is becoming even more imperative owing to the growing number of assignments entrusted to the organizations of the United Nations system by the member States,

Recalling its resolution 76 (I) of 7 December 1946, in which it approved the granting of the privileges and immunities referred to in articles V and VII of the Convention on the Privileges and Immunities of the United Nations to all members of the staff of the United Nations, with the exception of those who are recruited locally and are assigned to hourly rates,

Also recalling its resolution 43/173 of 9 December 1988, to which is annexed the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, including the principle that all persons under arrest or detention shall be provided whenever necessary with medical care and treatment,

Reiterating the obligation of all officials of the Organization in the conduct of their duties to observe fully both the laws and regulations of Member States and their duties and responsibilities to the Organization,

Affirming that persistent obstruction of the exercise of the duties of United Nations officials constitutes an obstacle to the implementation of the mission entrusted by the member States to the organizations of the United Nations system and may affect programme delivery,

Mindful of the responsibilities of the Secretary-General to safeguard the functional immunity of all United Nations officials,

Mindful also of the importance in this respect of the provision by Member States of adequate and immediate information concerning the arrest and detention of staff members and, more particularly, their granting of access to them,

Bearing in mind the considerations of the Secretary-General to guarantee appropriate standards of justice and due process to United Nations officials,

Reaffirming its previous resolutions on this subject,

1. *Takes note with grave concern* of the report of the Secretary-General (A/C.5/45/10 and Corr.1), submitted on behalf of the Administrative Committee on Co-ordination,

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[2] Resolution 22 A (I).

[3] Resolution 179 (II).

and of the developments indicated therein, in particular the significant number of new cases of arrest and detention;

2. *Deplores* the increase in the number of cases where the functioning, safety and well-being of officials have been placed in jeopardy;

3. *Also deplores* the disregard for Article 105 of the Charter of the United Nations displayed by some Member States;

4. *Calls upon* all Member States scrupulously to respect the privileges and immunities enjoyed by officials of the United Nations and the specialized agencies and related organizations and to refrain from any acts that would impede such officials in the performance of their functions, thereby seriously affecting the proper functioning of the organizations;

5. *Urges* Member States and others responsible for the illegal detention of United Nations staff members to release them immediately;

6. *Calls upon* the Secretary-General to use all such means as are available to him to bring about an expeditious solution of the cases still pending, which were referred to in his report;

7. *Urges* the Secretary-General to give priority to the prompt follow-up of cases of arrest, detention and other possible matters relating to the security and proper functioning of officials of the United Nations and the specialized agencies and related organizations;

8. *Calls upon* those Member States holding under arrest or detention officials of the United Nations and the specialized agencies and related organizations to enable the Secretary-General or the executive head of the organization concerned to exercise fully the right of functional protection inherent in the relevant multilateral conventions and bilateral agreements, particularly with respect to immediate access to detained staff members;

9. *Calls upon* all Member States to take the necessary measures in order to promote knowledge of and compliance with the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, including the principle that all persons under arrest or detention shall be provided whenever necessary with medical care and treatment;

10. *Affirms* that, in providing medical assistance, the use of independent medical teams should be considered;

11. *Calls upon* the staff of the United Nations and the specialized agencies and related organizations to comply fully with the provisions of Article 100 of the Charter and with the obligations resulting from the Staff Regulations and Rules of the United Nations, in particular regulation 1.8, and from the equivalent provisions governing the staff of the other agencies;

12. *Takes note with concern* of the restrictions on duty travel of officials as indicated in the report of the Secretary-General;

13. *Also takes note with concern* of the information contained in the report of the Secretary-General related to taxation on salaries and emoluments, and requests the Member States concerned and the Secretary-General to agree urgently on the appropriate action to be taken;

14. *Calls upon* all Member States otherwise impeding officials of the United Nations and the specialized agencies and related organizations in the proper discharge of their duties to review the cases and to co-ordinate their efforts with the Secretary-General or the executive head of the organization concerned to resolve each case with all due speed;

15. *Calls upon* the Secretary-General, as chief administrative officer of the United Nations, to continue personally to act as the focal point in promoting and ensuring the observance of the privileges and immunities of officials of the United Nations and the specialized agencies and related organizations by using all such means as are available to him;

16. *Urges* all Member States that have not yet become parties to the existing international legal instruments covering the question of privileges and immunities of officials, in particular to the Convention on the Privileges and Immunities of the United Nations[2] and the Convention on the Privileges and Immunities of the Specialized Agencies,[3] to do so promptly;

17. *Welcomes* the advisory opinion of 15 December 1989 of the International Court of Justice on the applicability of article VI, section 22, of the Convention on the Privileges and Immunities of the United Nations[4] that this section is applicable to persons other than United Nations officials to whom a mission has been entrusted by the Organization and who are therefore entitled to enjoy the privileges and immunities provided for in that section with a view to the independent exercise of their function;

18. *Requests* the Secretary-General, as Chairman of the Administrative Committee on Co-ordination, to review and appraise the measures already taken to enhance the proper functioning, safety and protection of international civil servants;

19. *Also requests* the Secretary-General, in compiling the information for incorporation into the reports on privileges and immunities of officials submitted on behalf of the Administrative Committee on Co-ordination, to include, to the extent possible, the views of the Member States.

* * *

16. The Fifth Committee also recommends to the General Assembly the adoption of the following draft decision:

AMENDMENTS TO THE STAFF RULES

The General Assembly, noting the need periodically to review the Staff Rules and annually to report to the Assembly the full text of provisional staff rules and amendments, takes note of the report of the Secretary-General on amendments to the Staff Rules (A/C.5/45/18).

DOCUMENT A/45/898/ADD.1

PART II OF THE REPORT

[*Original: Arabic*]
[*1 May 1991*]

1. The previous recommendations made by the Fifth Committee to the General Assembly under agenda item 126

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[4] *Applicability of Article VI, Section 22, of the Convention on the Privileges and Immunities of the United Nations, Advisory Opinion, I.C.J. Reports 1989*, p. 177.

appear in part I of the Committee's report (document A/45/898 above).

2. The Fifth Committee further considered the item at its 55th meeting, on 1 May 1991. It had before it the report of the Secretary-General on amendments to the Staff Regulations of the United Nations (A/C.5/45/3 and Corr.1 and Add.1).

3. The comments and observations made in the course of the Committee's further consideration of the item are reflected in the summary record of the meeting (A/C.5/45/SR.55).

4. At the 55th meeting, the Chairman of the Committee introduced a draft resolution (A/C.5/45/L.27).

5. At the same meeting, the Committee adopted draft resolution A/C.5/45/L.27 without a vote (see para. 6 below).

Recommendation of the Fifth Committee

6. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolution:

AMENDMENTS TO THE STAFF REGULATIONS OF THE UNITED NATIONS

The General Assembly,

Taking note of the report of the Secretary-General on amendments to the Staff Regulations of the United Nations (A/C.5/45/3 and Corr.1 and Add.1),

Approves the amendments to the Staff Regulations of the United Nations as set forth in the annex to the present resolution.

ANNEX

Amendments to the Staff Regulations of the United Nations

1. *Regulation 3.2*

(*a*) The third sentence of the first paragraph should read:

The amount of the grant per scholastic year for each child shall be 75 per cent of the first $11,000 of admissible educational expenses, up to a maximum grant of $8,250.

(*b*) After the first paragraph, insert a new paragraph reading:

The Secretary-General shall also establish the terms and conditions under which, at designated duty stations, an additional amount of 100 per cent of boarding costs up to $3,000 per year may be paid in respect of children in school attendance at the primary and secondary levels.

(*c*) The second sentence of the third paragraph should read:

The amount of this grant per year for each disabled child shall be equal to 100 per cent of the educational expenses actually incurred up to a maximum of $11,000.

2. *Regulation 3.4 (a)*

Regulation 3.4 (a) should read:

Regulation 3.4: (a) Staff members whose salary rates are set forth in paragraphs 1 and 3 of annex I to the present Regulations shall be entitled to receive dependency allowances as follows:

(i) At $1,050 per year for each dependent child, except that the allowance shall not be paid in respect of the first dependent child if the staff member has no dependent spouse, in which case the staff member shall be entitled to the dependency rate of staff assessment under subparagraph (b) (i) of regulation 3.3;

(ii) At $2,100 for each disabled child. However, if the staff member has no dependent spouse and is entitled to the dependency rate of staff assessment under subparagraph (b) (i) of regulation 3.3 in respect of a disabled child, the allowance will be $1,050 for that child;

(iii) Where there is no dependent spouse, a single allowance of $300 per year for either a dependent parent, a dependent brother or a dependent sister.

3. *Regulation 5.3*

The second sentence should read:

However, in the case of service at designated duty stations having very difficult conditions of life and work, eligible staff members shall be granted home leave once in every twelve months.

4. *Annex I*

(*a*) Paragraph 1 should read:

1. The Administrator of the United Nations Development Programme, having the status equivalent to that of the executive head of a major specialized agency, shall receive a salary of $US 151,233 per year; the Director-General for Development and International Economic Cooperation shall receive a salary of $US 151,233 per year; an Under-Secretary-General shall receive a salary of $US 121,635 per year; and an Assistant Secretary-General shall receive a salary of $US 110,000 per year, subject to the staff assessment plan provided in staff regulation 3.3 and to post adjustments wherever applied. If otherwise eligible, they shall receive the allowances that are available to staff members generally.

(*b*) Paragraph 4 should read:

4. Subject to satisfactory service, salary increments within the levels set forth in paragraph 3 of the present annex shall be awarded annually, except that any increments to step XII of the Associate Officer level, steps XIV and XV of the Second Officer level, steps XIII, XIV and XV of the First Officer level, steps XI, XII and XIII of the Senior Officer level, and above step IV of the Principal Officer level shall be preceded by two years at the previous step. The Secretary-General is authorized to reduce the interval between salary increments to ten months and twenty months, respectively, in the case of staff subject to geographical distribution who have an adequate and confirmed knowledge of a second official language of the United Nations.

(*c*) Delete the last sentence of paragraph 9.

(*d*) Delete the two schedules of post adjustment.

5. *Annex III*

In the schedule, *delete*, adjusted by movements of the weighted average of post adjustments.

6. *Annex IV*

In the schedule, *delete*, adjusted by movements of the weighted average of post adjustments.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 72nd plenary meeting, on 21 December 1990, the General Assembly adopted draft resolutions I A to C and II submitted by the Fifth Committee in part I of its report (A/45/898, para. 15). For the final text, see resolutions 45/239 A to C and 45/240.[5]

At the same meeting, the General Assembly adopted the draft decision submitted by the Fifth Committee in its report (*ibid*., para. 16). For the final text, see decision 45/452.[5]

At its 74th plenary meeting, on 3 May 1991, the General Assembly adopted the draft resolution submitted by the Fifth Committee in part II of its report (A/45/898/Add.1, para. 6). For the final text, see resolution 45/259.[6]

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[5] See *Official Records of the General Assembly, Forty-fifth Session, Supplement No. 49*.

[6] *Ibid., Supplement No. 49A*.

LIST OF OTHER DOCUMENTS PERTAINING TO THE ITEM

Symbol	*Title or description*	*Observations and references*
A/45/541	Composition of the Secretariat: report of the Secretary-General	
A/45/548	Improvement of the status of women in the Secretariat: report of the Secretary-General	
A/45/806	Administration of justice in the Secretariat: report of the Advisory Committee on Administrative and Budgetary Questions	
A/C.5/45/3 and Corr.1 and Add.1	Amendments to the Staff Regulations: report of the Secretary-General	
A/C.5/45/10 and Corr.1	Respect for the privileges and immunities of officials of the United Nations and the specialized agencies and related organizations: report of the Secretary-General	
A/C.5/45/11	Administration of justice in the Secretariat: report of the Secretary-General	
A/C.5/45/12	Secondment from government service: report of the Secretary-General	
A/C.5/45/18	Amendments to the Staff Rules: report of the Secretary-General	
A/C.5/45/19	Views of the staff representatives of the United Nations Secretariat: note by the Secretary-General	
A/C.5/45/L.2	List of staff of the United Nations Secretariat: report of the Secretary-General	
A/C.5/45/L.23	Draft resolutions and draft decision	See A/45/898, paras. 8 and 15 (draft resolutions I A to C) and para. 16
A/C.5/45/L.24	Draft resolution	*Ibid.*, paras. 12 and 15 (draft resolution II)
A/C.5/45/L.27	*Idem*	See A/45/898/Add.1, paras. 4 and 6

United Nations

GENERAL ASSEMBLY

Official Records

Agenda items 127 and 128*

ANNEXES

FORTY-FIFTH SESSION

NEW YORK, 1990/1991

Agenda item 127: United Nations common system
Agenda item 128: United Nations pension system

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DOCUMENT A/45/889

Report of the Fifth Committee on agenda item 127

[*Original: Arabic*]
[*19 December 1990*]

1. At its 3rd plenary meeting, on 21 September 1990, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its forty-fifth session, as item 127, the item entitled "United Nations common system", and to allocate it to the Fifth Committee for consideration and report.

2. The Fifth Committee considered the item at its 27th, 29th to 31st, 34th, 35th, 37th and 49th meetings, between 12 November and 18 December 1990. Comments made in the course of the discussion of the item are reflected in the summary records of the meetings (A/C.5/45/SR.27, 29-31, 34, 35, 37 and 49).

3. For its consideration of the item, the Committee had before it the sixteenth annual report of the International Civil Service Commission (A/45/30 and Add.1).

4. The Committee also had before it the following documents:

[*See the list of documents at the end of the present fascicle.*]

5. The report of the International Civil Service Commission was introduced by its Chairman at the 27th meeting, on 12 November.

6. At the 49th meeting, on 18 December, the representative of Mexico introduced a draft resolution (A/C.5/45/L.16), which was elaborated following informal consultations.

7. At the same meeting and before the Committee took action on the draft resolution, the Assistant Secretary-General for Human Resources Management addressed the Committee on behalf of the Secretary-General. The Committee then adopted draft resolution A/C.5/45/L.16 without a vote (see para. 9 below).

8. Statements in explanation of position were made by the representatives of Canada, the Libyan Arab Jamahiriya, the Union of Soviet Socialist Republics, India, the United States of America and Cuba.

Recommendation of the Fifth Committee

9. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolution:

UNITED NATIONS COMMON SYSTEM: REPORT OF THE INTERNATIONAL CIVIL SERVICE COMMISSION

The General Assembly,

Having considered the sixteenth annual report of the International Civil Service Commission (A/45/30 and Add.1) and other related reports (A/45/9, A/45/7/Add.7, A/C.5/45/23, A/C.5/45/24 and A/C.5/45/43),

I

1. *Reaffirms* the central role of the International Civil Service Commission in the regulation and co-ordination of conditions of service, including pensionable remuneration of all graded and ungraded staff, of the United Nations common system;

2. *Endorses* the efforts of the Commission to maintain the integrity and unity of those conditions of service in order to strengthen the effectiveness of common system activities and to ensure equity of treatment of all staff;

3. *Reiterates its request* to the Secretary-General and to the executive heads of the organizations of the common system to make every effort to absorb in 1991 and thereafter a significant portion of any additional costs arising in respect of the regular budgets of all the organizations as a result of

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* For the records of the relevant meetings, see *Official Records of the General Assembly, Forty-fifth Session, Fifth Committee*, 27th, 29th to 31st, 34th, 35th, 37th, 48th, 49th, 63rd and 64th meetings, and corrigendum; and *ibid., Plenary Meetings*, 72nd, 78th and 79th meetings. For the prior consideration of the questions, see *Official Records of the General Assembly, Forty-fourth Session, Annexes*, agenda items 131 and 132.

the comprehensive review of the conditions of service of staff in the Professional and higher categories;

II

Recalling section VIII of its resolution 42/221 of 21 December 1987, section II of its resolution 43/226 of 21 December 1988, and section II of its resolution 44/198 of 21 December 1989,

Taking note of the decisions and conclusions of the International Civil Service Commission with respect to the modification of its working methods and the format of its annual reports,

Welcoming the renewed participation of the staff representatives in the work of the Commission,

1. *Reaffirms* the independence and impartiality of the International Civil Service Commission in the performance of its functions, as envisaged in article 6 of its statute;

2. *Expresses its satisfaction* with the establishment of a more active dialogue between the Commission and representatives of organization and of staff, *inter alia*, through tripartite working groups;

3. *Requests* the Commission to continue to seek improvements in the format of its report, with a view to enhancing its clarity and making it more comprehensible;

4. *Requests* the Secretary-General and his colleagues in the Administrative Committee on Co-ordination, in preparing the report on the review of the functioning of the Commission in accordance with section II, paragraph 1, of resolution 44/198, to recommend alternative measures to improve the functioning of the Commission;

III

Noting with concern that it has again not been possible for the International Civil Service Commission to recommend the introduction of a revised remuneration structure for staff in the Professional and higher categories that would result in greater transparency and simplicity in the concepts and administration of the remuneration system,

Noting the intention of the Commission to review and evaluate the proposed procedures for the treatment of housing in the light of the experience gained,

1. *Urges* the International Civil Service Commission to continue its examination of the remuneration structure, in particular concerning the treatment of housing, and to report its findings to the General Assembly, as appropriate, taking into account the views expressed by Member States in the Fifth Committee;

2. *Takes note* of the recommendations of the Commission with regard to the treatment of housing, as contained in paragraph 95 of its report (A/45/30 and Add.1);

3. *Requests* the Commission, as a matter of urgency, to continue to take measures to improve the measurement of the housing element in the remuneration package;

4. *Also requests* the Commission to establish a pilot project designed to simulate the operation of the proposals of the Commission in a limited number of duty stations in the field where valid housing comparisons are difficult or impossible, on the understanding that housing will remain within the post adjustment system in the meantime, and to report on the experience gained with that project to the General Assembly at its forty-sixth session;

5. *Further requests* the Commission to examine experience gained with the functioning of the current rental subsidy scheme for headquarters duty stations and to review its proposals for a revised rental subsidy scheme, contained in paragraph 95 (*b*) (iv) and (viii) of its report, taking into account views expressed by Member States in the Fifth Committee on the need to improve the rental subsidy scheme, without losing sight of the purpose of the scheme of facilitating the resettlement of new staff members and of encouraging mobility within the common system, and to submit its conclusions and recommendations on the subject to the General Assembly at its forty-sixth session;

6. *Decides* to introduce, with effect from 1 January 1991, as a provisional arrangement, a revision to the current rental subsidy scheme at headquarters locations that provides for reimbursement over a seven-year period at the rate of 80 per cent for the first four years and 60 per cent, 40 per cent and 20 per cent, respectively, for the three years thereafter;

IV

Taking note of the compilation of the overview of common system allowances and those of the comparator civil service, as contained in annex VII to the report of the International Civil Service Commission (*ibid.*), and the decisions of the Commission thereon,

1. *Urges* the International Civil Service Commission to make the utmost effort to complete its review of dependency allowances and its study on expatriate entitlements granted to staff living in their home countries and to report thereon to the General Assembly at its forty-sixth session;

2. *Invites* the Commission to update the comparative overview of allowances on a regular basis;

V

Taking note of the decisions and recommendations of the International Civil Service Commission with respect to the conditions of service of staff at the Assistant Secretary-General and Under-Secretary-General and equivalent levels, as contained in paragraph 124 (*b*) of its report (*ibid.*),

Requests the International Civil Service Commission to reconsider, in a comprehensive manner, the remuneration of staff of organizations of the United Nations common system at the Assistant Secretary-General and Under-Secretary-General and equivalent levels, taking into account, *inter alia*, the remuneration levels of equivalent positions in the comparator civil service, representation and other allowances, housing arrangements and pensionable remuneration levels, and to report thereon to the General Assembly at its forty-sixth session;

VI

Recalling the importance of ensuring that the governing bodies of the specialized agencies take common positions with regard to matters of concern for the United Nations common system,

Concerned by the continuing practice of some organizations to grant additional steps beyond the salary scale approved by the General Assembly,

Noting that the World Intellectual Property Organization has revised its rules in respect of an additional step in the salary scale of the Professional and higher categories,

1. *Urges* the governing bodies of the International Labour Organisation and the World Health Organization to take the necessary measures to bring their salary scales into line with those of the other organizations of the common system, as recommended by the International Civil Service Commission;

2. *Invites* the Commission, with regard to its recommendation on non-pensionable cash awards to reward merit, to continue its review of performance evaluation systems in all organizations of the common system, with a view to ensuring that such systems are objective and transparent and can provide a sound basis for decisions on the proposed cash awards, as well as on within-grade increments and promotions, as indicated in section I.F, paragraph 3, of resolution 44/198;

3. *Urges* Member States to ensure that their representatives in the meetings of the governing bodies of the organizations of the common system are informed of the positions taken by the Commission and the General Assembly in respect of conditions of employment in the common system;

4. *Takes note* of the recommendations being made by the Commission to the executive heads, as contained in paragraph 235 of its report (*ibid.*);

VII

Recalling that in section I, paragraph 2, of its resolution 40/244 of 18 December 1985, it approved a range of 110 to 120, with a desirable mid-point of 115, for the margin between the net remuneration of officials in the Professional and higher categories of the United Nations in New York and that of officials in comparable positions in the United States federal civil service, on the understanding that the margin would be maintained around the desirable mid-point over a period of time,

Recalling also that in section I.C, paragraph 5, of its resolution 44/198, it requested the International Civil Service Commission to monitor the annual net remuneration margin over the five-year period beginning in the calendar year 1990 with a view to ensuring, to the extent possible, that by the end of that period the average of the successive annual margins is around the desirable mid-point of 115,

Taking note of the recommendations of the Commission, as contained in paragraphs 188 and 189 of its report (*ibid.*),

Noting the views expressed by Member States in the Fifth Committee,

Noting also the possibility of a freeze of post adjustment in 1991 for duty stations throughout the United Nations common system, as mentioned in the statement by the Administrative Committee on Co-ordination (A/C.5/45/43, annex),

Requests the International Civil Service Commission to continue to monitor the evolution of the margin and also the impact of the potential changes in the United States federal civil service pay levels, as a result of the implementation of the Federal Employees Pay Comparability Act of 1990, and to submit recommendations to the General Assembly at its forty-sixth session, with a view to avoiding a prolonged freeze of post adjustment within the five-year period from the calendar year 1990;

VIII

Recalling section I.H, paragraph 1, of its resolution 44/198, by which it approved the establishment of a floor net salary scale for staff in the Professional and higher categories, with effect from 1 July 1990, by reference to the corresponding base net salary levels of officials in comparable positions serving at the base city of the comparator civil service,

1. *Approves*, with effect from 1 March 1991, the revised scale of gross and net salaries for staff in the Professional and higher categories contained in annex I to the present resolution and the consequential amendment to the Staff Regulations of the United Nations, as reflected in annex II to the present resolution;

2. *Reiterates its request* to the International Civil Service Commission to report to the General Assembly at its forty-seventh session on the operation of the mobility and hardship allowance and, in particular, on the evolution of the mobility and hardship allowance in reference to equivalent allowances granted by the comparator and in relation to the base/floor salary itself;

IX

Taking note of the decisions of the International Civil Service Commission with regard to the practice of some Member States of making supplementary payments or deductions with respect to their nationals and, in particular, the affirmation by the Commission that such arrangements are unnecessary, inappropriate and undesirable, and are inconsistent with the staff regulations of the organizations of the United Nations common system,

Concerned that some Member States have yet to respond to the requests of the Chairman of the Commission for information on this issue and, in this context, that insufficient progress has been made in taking measures to discontinue these practices,

1. *Notes* the efforts of some Member States to reduce these practices, and encourages other Member States to take similar measures;

2. *Invites* those Member States that have not yet responded to the requests of the Chairman of the International Civil Service Commission for information to do so;

3. *Requests* the Secretary-General of the United Nations and the executive heads of the other organizations of the common system to take such measures and make such proposals as they consider appropriate in order to end such practices;

4. *Requests* the Commission to study the practice of supplementary payments and deductions and to propose measures to resolve this problem;

X

Noting the intention of the International Civil Service Commission to conduct a study of the process for setting education grant levels and to report thereon to the General Assembly at its forty-sixth session,

Approves the changes to the maximum admissible levels of expenses incurred under the education grant in five currencies, as contained in paragraph 251 of the report of the International Civil Service Commission (A/45/30 and Add.1);

XI

Recalling its resolutions 41/207 of 11 December 1986, 42/221, 43/226 and 44/198, in which it drew the attention of the organizations of the United Nations common system to the recommendations of the International Civil Service Commission with respect to special measures for the recruitment of women, the need for organizations to submit proposals to the Commission for removing obstacles to equality in promotion prospects, and the importance of providing information on measures taken and results achieved in improving the status of women in both the Professional and higher categories and the General Service and related categories in the secretariats of the organizations,

Concerned at the slow and uneven progress made in these areas,

Invites the International Civil Service Commission, working together with the organizations of the common system and with the staff representatives, to examine specific and practical steps to translate the recommendations and requests recalled in the present section into action and to report thereon to the General Assembly at its forty-seventh session;

XII

Recalling articles 13 and 14 of the statute of the International Civil Service Commission, under which it is empowered to make recommendations on classification and other aspects of personnel policy,

1. *Requests* the International Civil Service Commission to resume its active consideration of these substantive areas;

2. *Also requests* the Commission, in elaborating common personnel practices, to study, among other questions, the practice of inter-agency secondment and transfer, the feasibility of creating common staff rosters along occupational lines and the consistent system-wide application of the Master Standard for classification;

XIII

Recalling article 12 of the statute of the International Civil Service Commission and article III of the Staff Regulations of the United Nations,

Noting the action taken on the recommendations of the Commission in respect of the survey of best prevailing conditions as regards the General Service staff in New York in October 1989,

Concerned that this action could establish an undesirable precedent for similar survey exercises throughout the United Nations common system in the future,

Appreciative of the broader managerial considerations involved,

1. *Notes* the application of the salary scale of the General Service category in New York that was put into effect as of 1 October 1989, and decides that this scale should not constitute a precedent for future salary surveys;

2. *Requests* the Secretary-General to adjust the salaries of the General Service category in New York to levels consistent with best prevailing rates of remuneration as determined by the International Civil Service Commission in accordance with its mandate so that there is no disparity by the time of the next survey;

3. *Also requests* the Secretary-General to submit to the General Assembly at its forty-seventh session a report on procedures, whereby the Secretary-General and other executive heads could take measures regarding salary scales of the General Service category at variance with recommendations of the Commission, only after consultations with appropriate intergovernmental bodies and the Commission;

4. *Notes* that the Commission will review in 1991 the methodology for the conduct of salary surveys of the General Service and related categories at headquarters duty stations, and requests the Commission to submit a report thereon to the General Assembly at its forty-seventh session;

XIV

Recalling that the work programme of the Joint Inspection Unit includes a study on the question of grade overlap between the Professional and higher categories and other categories of staff in the United Nations common system,

Requests the International Civil Service Commission, in view of the above study, to consider the relativities between the terms and conditions of service of staff in the Professional and higher categories and those in other categories, as well as the broader question of the recruitment and retention of staff.

ANNEX I

SALARY SCALE FOR THE PROFESSIONAL AND HIGHER CATEGORIES[a]

Annual gross salaries and net equivalents after application of staff assessment

(In United States dollars)

(Effective 1 March 1991)

Level	*Steps*														
	I	*II*	*III*	*IV*	*V*	*VI*	*VII*	*VIII*	*IX*	*X*	*XI*	*XII*	*XIII*	*XIV*	*XV*
Under-Secretary-General															
USG Gross	128 659														
Net D	76 702														
Net S	68 853														
Assistant Secretary-General															
ASG Gross	116 442														
Net D	70 350														
Net S	63 600														
Director															
D-2 Gross	94 478	96 644	98 809	100 993	103 200	105 407									
Net D	58 873	60 021	61 169	62 316	63 464	64 612									
Net S	53 995	54 990	55 983	56 957	57 906	58 855									
Principal Officer															
D-1 Gross	83 047	84 902	86 756	88 610	90 465	92 319	94 173	96 028	97 882						
Net D	52 815	53 798	54 781	55 763	56 746	57 729	58 712	59 695	60 677						
Net S	48 749	49 600	50 451	51 302	52 153	53 004	53 855	54 707	55 558						
Senior Officer															
P-5 Gross	72 782	74 429	76 076	77 723	79 370	81 036	82 714	84 392	86 070	87 748	89 426	91 104	92 782		
Net D	47 302	48 192	49 081	49 971	50 860	51 749	52 639	53 528	54 417	55 307	56 196	57 085	57 975		
Net S	43 784	44 598	45 412	46 225	47 039	47 826	48 596	49 366	50 136	50 906	51 677	52 447	53 217		
First Officer															
P-4 Gross	59 277	60 854	62 431	64 008	65 596	67 202	68 808	70 414	72 020	73 626	75 232	76 839	78 445	80 052	81 688
Net D	39 952	40 820	41 687	42 554	43 422	44 289	45 156	46 024	46 891	47 758	48 625	49 493	50 360	51 227	52 095
Net S	37 101	37 884	38 666	39 448	40 234	41 028	41 821	42 615	43 408	44 201	44 995	45 788	46 582	47 374	48 125
Second Officer															
P-3 Gross	47 890	49 320	50 749	52 179	53 608	55 039	56 521	58 002	59 483	60 965	62 446	63 928	65 417	66 926	68 435
Net D	33 547	34 362	35 177	35 992	36 807	37 621	38 436	39 251	40 066	40 881	41 695	42 510	43 325	44 140	44 955
Net S	31 325	32 060	32 795	33 530	34 265	34 999	35 734	36 469	37 204	37 939	38 673	39 408	40 146	40 891	41 637
Associate Officer															
P-2 Gross	38 075	39 311	40 546	41 781	43 016	44 251	45 503	46 781	48 060	49 338	50 617	51 895			
Net D	27 814	28 543	29 272	30 001	30 729	31 458	32 187	32 915	33 644	34 373	35 101	35 830			
Net S	26 101	26 768	27 435	28 102	28 769	29 436	30 099	30 755	31 413	32 070	32 727	33 384			
Assistant Officer															
P-1 Gross	28 521	29 633	30 769	31 917	33 065	34 214	35 374	36 561	37 748	38 935					
Net D	22 018	22 719	23 419	24 120	24 820	25 520	26 221	26 921	27 621	28 322					
Net S	20 776	21 422	22 066	22 710	23 354	23 999	24 642	25 283	25 924	26 565					

D = Rate applicable to staff members with a dependent spouse or child.

S = Rate applicable to staff members with no dependent spouse or child.

[a] This scale represents the result of a consolidation of five multiplier points of post adjustment into net base salary. There will be consequential adjustments in the post adjustment indices and multipliers at all duty stations, effective 1 March 1991. Thereafter, changes in post adjustment classifications will be effected on the basis of the movements of the newly consolidated post adjustment indices.

ANNEX II

Amendment to the Staff Regulations of the United Nations

Regulation 3.3

Replace the table under assessment in subparagraph (*b*) (i) by the following tables:

"ASSESSMENT

(*In percentages*)

Total assessable payments (United States dollars)	*Staff assessment rates for purposes of pensionable remuneration and pensions*
First $15 000 per year	4
Next $10 000 per year	20
Next $10 000 per year	25
Next $20 000 per year	29
Next $20 000 per year	32
Next $20 000 per year	35
Next $30 000 per year	37
Remaining assessable payments	39

	Staff assessment rates used in conjunction with gross base salaries and the gross amounts of separation payments	
Total assessable payments (United States dollars)	*Staff member with a dependent spouse or a dependent child*	*Staff member with neither a dependent spouse nor a dependent child*
First $15 000 per year	13.0	17.5
Next $5 000 per year	31.0	34.3
Next $5 000 per year	34.0	38.6
Next $5 000 per year	37.0	41.9
Next $5 000 per year	39.0	43.9
Next $10 000 per year	41.0	46.0
Next $10 000 per year	43.0	48.6
Next $10 000 per year	45.0	50.4
Next $15 000 per year	46.0	50.6
Next $20 000 per year	47.0	54.1
Remaining assessable payments	48.0	57.0 ".

DOCUMENT A/45/880

Report of the Fifth Committee on agenda item 128

[*Original: Arabic*]
[*18 December 1990*]

1. At its 3rd plenary meeting, on 21 September 1990, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its forty-fifth session as item 128 the item entitled "United Nations pension system" and to allocate it to the Fifth Committee for consideration and report.

2. The Fifth Committee considered the item at its 27th, 29th to 31st, 34th, 35th, 37th and 48th meetings, between 12 November and 17 December 1990. Comments made in the course of the discussion on the item are reflected in the summary records of the meetings (A/C.5/45/SR.27, 29-31, 34, 35, 37 and 48).

3. For its consideration of the item, the Committee had before it the following documents:

[*See the list of documents at the end of the present fascicle.*]

4. The reports of the United Nations Joint Staff Pension Board (A/45/9) and of the International Civil Service Commission (A/45/30 and Add.1) were introduced by the respective Chairmen at the 27th meeting, on 12 November.

5. At the 48th meeting, on 17 December, Mr. Koulyk (Ukrainian Soviet Socialist Republic), Vice-Chairman of the Committee, introduced a draft resolution (A/C.5/45/L.14) following informal consultations.

6. At the same meeting, the Committee adopted draft resolution A/C.5/45/L.14 without a vote (see para. 8 below).

7. A statement in explanation of position was made by the representative of Hungary.

Recommendation of the Fifth Committee

8. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolution:

UNITED NATIONS PENSION SYSTEM

The General Assembly,

Recalling its resolution 44/199 of 21 December 1989,

Having considered the report of the United Nations Joint Staff Pension Board for 1990 to the General Assembly and to the member organizations of the United Nations Joint Staff Pension Fund (A/45/9), chapter III of the report of the International Civil Service Commission (A/45/30 and Add.1), the report of the Secretary-General on the investments of the Fund (A/C.5/45/7), and the related report of the Advisory Committee on Administrative and Budgetary Questions (A/45/699),

I

PENSIONABLE REMUNERATION OF STAFF IN THE PROFESSIONAL AND HIGHER CATEGORIES

Recalling its request in section I, paragraph 6, of its resolution 41/208 of 11 December 1986 to the International Civil Service Commission to undertake, in full co-operation with the United Nations Joint Staff Pension Board, a further comprehensive review of the methodology for the determination of the scale of pensionable remuneration of staff in the Professional and higher categories, for monitoring the level of the scale and for its adjustment between comprehensive reviews, and to submit its recommendations thereon to the General Assembly at its forty-fifth session,

Recalling also its request in section II, paragraph 2, of its resolution 44/199 to the Commission, in full co-operation with the Board, to study the desirability of establishing a margin range between the pensionable remuneration of staff in the Professional and higher categories in the United Nations common system and staff in comparable grades in the comparator civil service,

Noting with satisfaction that the close co-operation between the Commission and the Board has resulted in agreement between the two bodies on the substantive issues involved in the determination of the scale of pensionable remuneration, as reflected in their respective reports,

Taking note of the views of the Commission and the Board on the desirability of a margin range for pensionable remuneration, as set out in paragraphs 33 to 37 of the report of the Commission (A/45/30 and Add.1) and paragraphs 50 to 55 of the report of the Board (A/45/9),

Recalling the criteria established by the General Assembly in section I of its resolution 41/208 for the determination of the scale of pensionable remuneration of staff in the Professional and higher categories,

1. *Approves* the recommendations made by the International Civil Service Commission and the United Nations Joint Staff Pension Board for the determination of the scale of pensionable remuneration of staff in the Professional and higher categories, for monitoring the level of the scale and for its adjustment in between comprehensive reviews, namely:

(*a*) That income replacement in New York should continue to be used as the basis of the methodology for the determination of pensionable remuneration of staff in the Professional and higher categories, bearing in mind the relationship between pensionable remuneration amounts for United Nations staff in the Professional and higher categories and for their counterparts in the United States federal civil service;

(*b*) That the methodology used to establish the 1 April 1987 scale of pensionable remuneration on the occasion of the previous comprehensive review should continue to be used;

(*c*) That the scale of staff assessment shown in annex III to the report of the Commission (A/45/30 and Add.1) should be used for the determination of pensionable remuneration of staff in the Professional and higher categories;

(*d*) That the interim adjustment procedure, as amended by the General Assembly at its forty-fourth session, should be continued;

(*e*) That the procedure outlined in annex IV to the report of the Commission should be used for the calculation and reporting of the annual pensionable remuneration margin;

(*f*) That the income replacement ratios applicable over the three-year period ending on 31 December of the margin year should be calculated for both the comparator and [illegible] United Nations system and reported to the General Assembly;

(*g*) That, following the annual review of the pensionable remuneration margin and the income replacement ratios, the Commission and the Board should report and make their respective recommendations, as appropriate, to the General Assembly;

2. *Amends*, with effect from 1 January 1991, article 54 (*b*) of the Regulations of the United Nations Joint Staff Pension Fund, as set out in the annex to the present resolution;

3. *Requests* the Commission, in full co-operation with the Board, to undertake in 1995 a further comprehensive review of the methodology for the determination of the scale of pensionable remuneration of staff in the Professional and higher categories, for monitoring the level of the scale and for its adjustment between comprehensive reviews, and to submit recommendations thereon to the General Assembly at its fiftieth session;

II

PENSIONABLE REMUNERATION AND PENSIONS OF UNGRADED OFFICIALS

Taking note of the information provided in paragraphs 59 to 67 of the report of the United Nations Joint Staff Pension Board (A/45/9), and in annex IV thereto, on the pensionable remuneration and net remuneration of ungraded officials, including the executive heads of member organizations of the United Nations Joint Staff Pension Fund, and on the possible amendments to the Regulations of the Fund considered by the Board to cover such officials,

Noting that the International Civil Service Commission, in the light of the advisory opinion it had received from the United Nations Legal Counsel, concluded that it had neither the statutory authority nor the mandate from the General Assembly to address the matter of the pensionable remuneration of ungraded officials,

Believing that a common system approach should be used for the determination of the pensionable remuneration and pensions of all participants in the Fund, including ungraded officials,

1. *Expresses concern* at the divergent practices that have emerged since 1984 in the common system in respect of the pensionable remuneration of ungraded officials;

2. *Requests* the International Civil Service Commission, in full co-operation with the United Nations Joint Staff Pension Board, to review the methodology for the determination of the pensionable remuneration of ungraded officials, including the executive heads of member organizations, who are participants in the United Nations Joint Staff Pension Fund, and to submit recommendations thereon to the General Assembly at its forty-sixth session, and requests the Board to recommend consequential changes in the Regulations of the Fund;

3. *Invites* the governing bodies and executive heads of the member organizations of the Fund to co-operate with the Commission and the Board, taking account of the information contained in paragraphs 59 to 67 of the report of the Board (*ibid.*), and in annex IV thereto;

III

PENSIONABLE REMUNERATION OF STAFF IN THE GENERAL SERVICE AND OTHER LOCALLY RECRUITED CATEGORIES

1. *Takes note* of the intention of the International Civil Service Commission to undertake, in 1991, in full co-operation with the United Nations Joint Staff Pension Board, a comprehensive review of the pensionable remuneration and consequent pensions of staff in the General Service and other locally recruited categories and of the arrangements, designed to ensure full co-operation in the conduct of the review, agreed upon by the Commission as set out in paragraphs 55 to 57 of its report (A/45/30 and Add.1) and by the Board as set out in paragraphs 72 to 75 of its report (A/45/9);

2. *Requests* the Commission, in full co-operation with the Board, to submit recommendations thereon to the General Assembly at its forty-sixth session;

IV

CHANGES IN THE PENSION ADJUSTMENT SYSTEM

1. *Takes note* of section III.E of the report of the United Nations Joint Staff Pension Board (*ibid.*), on the pension adjustment system, in particular of the modifications of that system considered by the Board, including the proposal of the International Telecommunication Union, for the determination of the initial local currency pension in the light of the expiration on 31 December 1990 of the interim measure approved by the General Assembly in its resolution 42/222 of 21 December 1987;

2. *Takes note also* of the arrangements made by the Board to continue, in 1991, its efforts to develop a long-term approach to the determination of the initial local currency pension;

3. *Approves*, with effect from 1 January 1991, the transitional measure recommended by the Board in paragraph 114 of its report, and the consequential change in the pension adjustment system, as set out in annex X to the report of the Board;

4. *Also approves*, with retroactive effect to 1 July 1990, the change in the pension adjustment system resulting from the introduction of a new salary structure for staff in the Professional and higher categories, as set out in annex X to the report of the Board;

5. *Requests* the Board to give priority to the development of a long-term approach to the determination of initial local currency pensions, taking into account the observations made by the Advisory Committee on Administrative and Budgetary Questions in paragraphs 25 to 27 of its report (A/45/699) and the need to safeguard the financial health of the United Nations Joint Staff Pension Fund while, at the same time, responding to the problems caused by the declining value of pensions in certain countries resulting from currency exchange rate fluctuations, and to submit recommendations on appropriate changes in the pension adjustment system to the General Assembly at its forty-sixth session;

6. *Invites* the governing bodies of the other member organizations of the Fund to refrain from seeking to establish for their staff, whether by provisions in their staff regulations or by other means, additional pension entitlements, as such action would be detrimental to the common system under which all staff should receive equal treatment, irrespective of their employing organization;

V

ASSISTANCE TO THE INTERNATIONAL LABOUR ORGANISATION IN IMPLEMENTING JUDGMENT NO. 990 OF ITS ADMINISTRATIVE TRIBUNAL

1. *Takes note* of the information provided in paragraphs 188 and 189 of the report of the United Nations Joint Staff Pension Board (A/45/9) on the International Labour Organisation Administrative Tribunal Judgement No. 990 [*In re* Cuvillier (No. 3)] and the request by the Director-General of the International Labour Organisation for assistance by the Board in implementing that judgement;

2. *Concurs* with the views of the Board, as set out in paragraph 190 of its report, that the assistance requested should be provided only if the conditions specified in that paragraph are met;

3. *Urges* the Governing Body of the International Labour Organisation, in considering possible amendments to article 3.1.1. of its Staff Regulations, to ensure that the text it eventually adopts corresponds to the provisions in the staff regulations of the other member organizations of the United Nations Joint Staff Pension Fund which define pensionable remuneration by direct reference to its definition in the Regulations of the Fund, so that pensionable remuneration would be defined uniformly for the staff of all the member organizations of the Fund;

VI

OTHER MATTERS

Takes note of the other matters considered in the report of the United Nations Joint Staff Pension Board (*ibid.*);

VII

INVESTMENTS OF THE UNITED NATIONS JOINT STAFF PENSION FUND

1. *Takes note* of the report of the Secretary-General on the investments of the United Nations Joint Staff Pension Fund (A/C.5/45/7);

2. *Requests* Member States that do not now grant tax exemptions on investments of the Fund to make all possible efforts to permit such exemptions.

ANNEX

Amendment to the Regulations of the United Nations Joint Staff Pension Fund

Article 54

PENSIONABLE REMUNERATION

Replace paragraph (*b*) by the following text:

"(*b*) In the case of participants in the Professional and higher categories, the pensionable remuneration effective 1 November 1990 shall be that set out in the appendix hereto. Thereafter, the scale of pensionable remuneration for such participants shall be adjusted as from the same date as the net remuneration amounts of officials in the Professional and higher categories in New York are adjusted. Such adjustment shall be by a uniform percentage equal to the variation in the net remuneration amounts, as determined by the International Civil Service Commission."

APPENDIX

Scale of pensionable remuneration for staff in the professional and higher categories

(In United States dollars)

(Effective 1 November 1990)

Level	*Steps*														
	I	*II*	*III*	*IV*	*V*	*VI*	*VII*	*VIII*	*IX*	*X*	*XI*	*XII*	*XIII*	*XIV*	*XV*
USG	137 349														
ASG	127 082														
D-2	106 311	108 863	111 269	113 766	116 320	118 931									
D-1	93 733	95 857	98 025	100 151	102 326	104 483	106 571	108 701	110 873						
P-5	83 208	85 115	86 940	88 801	90 729	92 516	94 421	96 618	98 585	100 430	102 310	104 225	106 175		
P-4	68 407	70 219	72 022	73 739	75 607	77 404	79 231	81 256	83 115	85 087	86 402	88 263	90 164	92 106	94 090
P-3	56 051	57 792	59 474	61 079	62 734	64 369	66 111	68 193	69 559	71 399	72 749	74 354	76 016	77 715	79 453
P-2	45 302	46 750	48 121	49 590	51 058	52 397	53 856	55 567	57 188	58 652	59 788	60 947			
P-1	35 525	36 744	37 824	38 925	40 139	41 228	42 533	44 234	45 669	46 978					

DOCUMENT A/45/1031

Report of the Fifth Committee on agenda items 127 and 128

[*Original: Arabic*]
[*27 June 1991*]

1. The previous recommendations made by the Fifth Committee to the General Assembly under agenda item 127 and 128 appear in the Committee's reports (documents A/45/889 and A/45/880 above).

2. The Fifth Committee further considered the items at its 63rd and 64th meetings, on 26 and 27 June 1991. It had before it two notes by the Secretary-General of the United Nations (A/C.5/45/76 and A/C.5/45/77) transmitting notes by the Secretary-General of the International Telecommunication Union on the United Nations common system and on the United Nations pension system.

3. The comments and observations made in the course of the Committee's further consideration of the items are reflected in the summary records of the meetings (A/C.5/45/SR.63 and 64).

4. At the 64th meeting, the Chairman of the Committee introduced a draft resolution (A/C.5/45/L.33) and orally revised it as follows:

(*a*) In paragraph 1, the word "unilaterally" was inserted after the words "the actions taken";

(*b*) Paragraph 4, which read:

> "4. *Requests* the Commission and the Board to examine the implications of the decisions of the International Telecommunication Union and the International Labour Organisation for the common system, within the context of their respective relevant work programmes, and report thereon to the General Assembly at its forty-sixth session;"

was replaced by the following:

> "4. *Requests* the Commission and the Board to examine the basis for the decisions taken by the International Telecommunication Union and the International Labour Organisation and their implications for the common system, within the context of their respective relevant work programmes, and report thereon to the General Assembly at its forty-sixth session;".

5. At the same meeting, the Fifth Committee adopted draft resolution A/C.5/45/L.33, as orally revised, without a vote (see para. 7 below).

6. Also at the same meeting, the representative of the United Kingdom of Great Britain and Northern Ireland made a statement in explanation of position.

Recommendation of the Fifth Committee

7. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolution:

UNITED NATIONS COMMON SYSTEM AND UNITED NATIONS PENSION SYSTEM

The General Assembly,

Recalling its resolution 3357 (XXIX) of 18 December 1974, by which it approved the statute of the International Civil Service Commission,

Recalling also the importance of ensuring that the governing bodies of the organizations of the United Nations common system take common positions with regard to matters of concern for the system,

Reaffirming the central role of the International Civil Service Commission in the regulation and coordination of conditions of service, including pensionable remuneration of all graded and ungraded staff of the United Nations common system, and the mandate of the Commission relating to the establishment of conditions of entitlement to benefits under article 11 of its statute,

Recalling section IV of its resolution 44/199 of 21 December 1989, by which it endorsed the conclusions of the United Nations Joint Staff Pension Board as set out in paragraphs 115 and 116 of its report[1] that the proposal of the International Telecommunication Union should be studied as one possible long-term approach to the adjustment of pensions in local currency terms and that the Union should not proceed with the implementation of its proposal as that would weaken the United Nations common system,

Noting that, in accordance with its resolution 45/242 of 21 December 1990, the United Nations Joint Staff Pension Board has given priority to the development of a long-term approach to the determination of initial local currency pensions in order to submit recommendations on appropriate changes in the pension adjustment system to the General Assembly at its forty-sixth session,

Concerned about the potential impact on the United Nations common system and the United Nations pension system of the decision taken by the International Labour Conference of the International Labour Organisation at its seventy-eighth session to proceed with its proposal to establish a voluntary thrift benefit fund and of the decision of the Administrative Council of the International Telecommunication Union at its forty-sixth session to implement unilaterally a pension purchasing power protection insurance plan (see A/C.5/45/77, annex 6), as well as of the decision of the Secretary-General of the Union to grant a special post allowance to headquarters staff at the Professional and Director levels (see A/C.5/45/76, annex),

Taking account of the statements made in the Fifth Committee at its 63rd meeting (A/C.5/45/SR.63, and corrigendum),

1. *Expresses deep concern and regret* at the actions taken unilaterally by the International Telecommunication Union and the International Labour Organisation without due regard for their obligations under the United Nations common system;

2. *Reaffirms* that the conditions of service of the staff in the United Nations common system should be determined in accordance with principles aimed at the development of a single unified international civil service through the application of common personnel standards, methods and arrangements;

3. *Emphasizes* the obligations of all organizations of the United Nations common system to consult and cooperate

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[1] *Official Records of the General Assembly, Forty-fourth Session, Supplement No. 9* (A/44/9).

fully with the International Civil Service Commission and the United Nations Joint Staff Pension Board on matters relating to conditions of service and pensions;

4. *Requests* the International Civil Service Commission and the United Nations Joint Staff Pension Board to examine the basis for the decisions taken by the International Telecommunication Union and the International Labour Organisation and their implications for the common system, within the context of their respective relevant work programmes, and to report thereon to the General Assembly at its forty-sixth session;

5. *Reiterates* its request for the International Civil Service Commission and the United Nations Joint Staff Pension Board to place the highest priority on ensuring that the reports requested by the General Assembly in its resolution 45/241 of 21 December 1990 on the United Nations common system and in its resolution 45/242 on the United Nations pension system are available for full consideration by the Assembly at its forty-sixth session;

6. *Reiterates* its appeal to the organizations of the United Nations common system to refrain from seeking to establish for their staff, whether by provisions in their staff regulations or by other means, additional entitlements and benefits, as such actions would be detrimental to the United Nations common system under which all staff should receive equal treatment, irrespective of their employing organizations;

7. *Requests* the Secretary-General, in his capacity as Chairman of the Administrative Committee on Coordination, to urge all the executive heads of the organizations of the United Nations common system to cooperate fully with the International Civil Service Commission in the discharge of its responsibilities under article 1 of its statute.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 72nd plenary meeting, on 21 December 1990, the General Assembly adopted the draft resolution submitted by the Fifth Committee in its report on agenda item 127 (A/45/889, para. 9). For the final text, see resolution 45/241.[2]

At the same meeting, the General Assembly adopted the draft resolution submitted by the Fifth Committee in its report on agenda item 127 (A/45/880, para. 8). For the final text, see resolution 45/242.[2]

At its 79th plenary meeting, on 28 June 1991, the General Assembly adopted the draft resolution submitted by the Fifth Committee in its report on agenda items 127 and 128 (A/45/1031, para. 7). For the final text, see resolution 45/268.[3]

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[2] *Ibid., Forty-fifth Session, Supplement No. 49.*

[3] *Ibid., Supplement No. 49A.*

LIST OF OTHER DOCUMENTS PERTAINING TO THE ITEMS

Symbol	*Title or description*	*Agenda item*	*Observations and references*
A/45/7/Add.7	Administrative and financial implications of the decisions and recommendations contained in the report of the International Civil Service Commission: eighth report of the Advisory Committee on Administrative and Budgetary Questions	127	See *Official Records of the General Assembly, Forty-fifth Session, Supplement No. 7*
A/45/9	Report of the United Nations Joint Staff Pension Board	128	*Ibid., Supplement No. 9*
A/45/30 and Add.1	Report of the International Civil Service Commission for the year 1990	127 and 128	*Ibid., Supplement No. 30* and addendum
A/45/699	Report of the Advisory Committee on Administrative and Budgetary Questions	128	
A/C.5/45/7	Report of the Secretary-General on the investments of the United Nations Joint Staff Pension Fund	128	
A/C.5/45/22	Note by the Secretary-General transmitting the text of resolution No. 997 of the Administrative Council of the International Telecommunication Union	128	
A/C.5/45/23	Comments by the Federation of International Civil Servants' Associations: note by the Secretary-General transmitting the comments	127	
A/C.5/45/24	Comments by the Co-ordinating Committee for Independent Staff Unions and Associations of the United Nations System: note by the Secretary-General transmitting the comments	127	
A/C.5/45/29	Administrative and financial implications of the decisions and recommendations contained in the report of the International Civil Service Commission: note by the Secretary-General	127	
A/C.5/45/43	Statement by the Administrative Committee on Co-ordination: note by the Secretary-General transmitting the statement	127 and 128	

Symbol	*Title or description*	*Agenda item*	*Observations and references*
A/C.5/45/76	Note by the Secretary-General of the United Nations transmitting a note by the Secretary-General of the International Telecommunication Union on the subject of the United Nations common system	127	
A/C.5/45/77	Note by the Secretary-General of the United Nations transmitting a note by the Secretary-General of the International Telecommunication Union on the subject of the United Nations pension system	128	
A/C.5/45/L.14	Draft resolution	128	See A/45/880, paras. 5 and 8
A/C.5/45/L.16	*Idem*	127	See A/45/889, paras. 6 and 9
A/C.5/45/L.33	*Idem*	127 and 128	See A/45/1031, paras. 4 and 7

United Nations

GENERAL ASSEMBLY

Official Records

Agenda item 129

ANNEXES

FORTY-FIFTH SESSION

NEW YORK, 1990/1991

Agenda item 129: Financing of the United Nations peace-keeping forces in the Middle East:*
(*a*) United Nations Disengagement Observer Force;
(*b*) United Nations Interim Force in Lebanon

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DOCUMENT A/45/895

Report of the Fifth Committee on agenda item 129 (*a*)

[*Original: Arabic*]
[*20 December 1990*]

1. At its 3rd plenary meeting, on 21 September 1990, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its forty-fifth session, as item 129, the item entitled:

> "Financing of the United Nations peace-keeping forces in the Middle East:
>
> "(*a*) United Nations Disengagement Observer Force;
>
> "(*b*) United Nations Interim Force in Lebanon",

and to allocate it to the Fifth Committee for consideration and report.

2. The Fifth Committee considered agenda item 129 (*a*) at its 44th and 50th meetings, on 12 and 19 December 1990. It had before it the report of the Secretary-General on the financing of the United Nations Disengagement Observer Force (A/45/716) and the related report of the Advisory Committee on Administrative and Budgetary Questions (see A/45/832).

3. Statements and observations made in the course of the Fifth Committee's consideration of agenda item 129 (*a*) are reflected in the summary records of the meetings (A/C.5/45/SR.44 and 50).

4. At the 50th meeting, the representative of Canada introduced a draft resolution (A/C.5/45/L.9). He orally revised the sixth preambular paragraph, which read:

> "*Bearing in mind* the special responsibilities of the States permanent members of the Security Council in the financing of such operations, as indicated in General Assembly resolution 1874 (S-IV) of 27 June 1963 and other resolutions of the Assembly,"

> "*Bearing in mind* the special responsibilities of the States permanent members of the Security Council, as indicated in General Assembly resolution 1874 (S-IV) of 27 June 1963, in the financing of such operations,".

5. At the same meeting, the Committee adopted draft resolution A/C.5/45/L.9, as orally revised, without a vote (see para. 6 below).

Recommendation of the Fifth Committee

6. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolution:

FINANCING OF THE UNITED NATIONS DISENGAGEMENT OBSERVER FORCE

The General Assembly,

Having considered the report of the Secretary-General on the financing of the United Nations Disengagement Observer Force (A/45/716), and the related report of the Advisory Committee on Administrative and Budgetary Questions (see A/45/832),

Bearing in mind Security Council resolution 350 (1974) of 31 May 1974, by which the Council established the United Nations Disengagement Observer Force, and the subsequent resolutions by which the Council extended the mandate of the Force, the latest of which was resolution 679 (1990) of 30 November 1990,

Recalling its resolution 3211 B (XXIX) of 29 November 1974 on the financing of the United Nations Emergency Force and the United Nations Disengagement Observer Force and its subsequent resolutions thereon, the latest of which was resolution 44/187 of 21 December 1989,

Reaffirming its previous decisions regarding the fact that, in order to meet the expenditures caused by the United

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* For the records of the relevant meetings, see *Official Records of the General Assembly, Forty-fifth Session, Fifth Committee*, 44th and 50th meetings, and corrigendum; and *ibid., Plenary Meetings*, 72nd meeting. For the prior consideration of the question, see *Official Records of the General Assembly, Forty-fourth Session, Annexes*, agenda item 133.

Nations Disengagement Observer Force, a different procedure is required from the one applied to meet expenditures of the regular budget of the United Nations,

Taking into account the fact that the economically more developed countries are in a position to make relatively larger contributions and that the economically less developed countries have a relatively limited capacity to contribute towards such operations involving heavy expenditures,

Bearing in mind the special responsibilities of the States permanent members of the Security Council, as indicated in General Assembly resolution 1874 (S-IV) of 27 June 1963, in the financing of such operations,

Noting with appreciation that voluntary contributions have been made to the United Nations Disengagement Observer Force by one Government,

Having regard to the financial position of the Special Account for the United Nations Emergency Force and the United Nations Disengagement Observer Force, as set forth in the report of the Secretary-General, and referring to paragraphs 16 to 18 and 27 of the report of the Advisory Committee,

Recognizing that, as a consequence of the withholding of contributions by certain Member States, the surplus balances in the Special Account for the United Nations Emergency Force and the United Nations Disengagement Observer Force have, in effect, been drawn upon to supplement the income received from contributions for meeting expenses of the Forces,

Mindful of the fact that it is essential to provide the United Nations Disengagement Observer Force with the necessary financial resources to enable it to fulfil its responsibilities under the relevant resolutions of the Security Council,

1. *Decides* to appropriate to the Special Account referred to in section II, paragraph 1, of General Assembly resolution 3211 B (XXIX) the amount of 20,208,000 United States dollars gross (19,698,000 dollars net) authorized and apportioned by the Assembly in paragraph 6 of its resolution 44/187 for the operation of the United Nations Disengagement Observer Force for the period from 1 June to 30 November 1990, inclusive;

2. *Decides also* to appropriate to the Special Account an amount of 20,679,000 dollars for the operation of the United Nations Disengagement Observer Force for the period from 1 December 1990 to 31 May 1991, inclusive;

3. *Decides further*, as an *ad hoc* arrangement, to apportion the amount of 20,679,000 dollars for the abovementioned period among Member States, in accordance with the composition of groups set out in paragraphs 3 and 4 of General Assembly resolution 43/232 of 1 March 1989, as adjusted by the Assembly in its resolution 44/192 B of 21 December 1989, and taking into account the scale of assessments for the years 1989, 1990 and 1991;[1]

4. *Decides* that there shall be set off against the apportionment among Member States, as provided for in paragraph 3 of the present resolution, their respective share in the unencumbered balance of 887,000 dollars gross (765,000 dollars net) for the period from 1 December 1989 to 30 November 1990, inclusive;

5. *Decides also* that there shall be set off against the apportionment among Member States, as provided for in paragraph 3 of the present resolution, their respective share in the estimated income of 7,000 dollars other than staff assessment income approved for the period from 1 December 1990 to 31 May 1991, inclusive;

6. *Decides further* that, in accordance with the provisions of its resolution 973 (X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 3 of the present resolution, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 473,000 dollars approved for the period from 1 December 1990 to 31 May 1991, inclusive;

7. *Decides* that the surplus balance as at 31 December 1989 in the amount of 2,017,408 dollars shall be credited to Member States against their assessments in respect of such mandate periods as may be approved by the Security Council subsequent to 31 May 1991;

8. *Authorizes* the Secretary-General to enter into commitments for the United Nations Disengagement Observer Force at a rate not to exceed 3,446,500 dollars gross (3,366,500 dollars net) per month for the period from 1 June to 30 November 1991, inclusive, should the Security Council decide to continue the Force beyond the period of six months authorized under its resolution 679 (1990), the said amount to be apportioned among Member States in accordance with the scheme set out in the present resolution;

9. *Decides* that Liechtenstein shall be included in the group of Member States set out in paragraph 3 (*b*) of General Assembly resolution 43/232 and that its contribution to the United Nations Disengagement Observer Force shall be calculated in accordance with the provisions of the resolution to be adopted by the Assembly at its forty-fifth session regarding the scale of assessments;[2]

10. *Decides also* that Namibia shall be included in the group of Member States set out in paragraph 3 (*d*) of General Assembly resolution 43/232 and that its contribution to the United Nations Disengagement Observer Force shall be calculated in accordance with the provisions of the resolution to be adopted by the Assembly at its forty-fifth session regarding the scale of assessments;[2]

11. *Decides further* that, in accordance with regulation 5.2 (c) of the Financial Regulations of the United Nations, the contributions to the United Nations Disengagement Observer Force until 30 November 1990 of the Member States referred to in paragraphs 9 and 10 of the present resolution shall be treated as miscellaneous income to be set off against the apportionments authorized in paragraph 3 of the present resolution;

12. *Invites* voluntary contributions to the United Nations Disengagement Observer Force in cash and in the form of services and supplies acceptable to the Secretary-General, to be administered, as appropriate, in accordance with the procedure established by the General Assembly in its resolution 44/192 A of 21 December 1989;

13. *Requests* the Secretary-General to take all necessary action to ensure that the United Nations Disengagement Observer Force is administered with a maximum of efficiency and economy.

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[1] See resolution 43/223 A.

[2] Resolution 45/256 B.

DOCUMENT A/45/896

Report of the Fifth Committee on agenda item 129 (*b*)

[*Original: Arabic*]
[*20 December 1990*]

1. At this 3rd plenary meeting, on 21 September 1990, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its forty-fifth session, as item 129, the item entitled:

> "Financing of the United Nations peace-keeping forces in the Middle East:
>
> "(*a*) United Nations Disengagement Observer Force;
>
> "(*b*) United Nations Interim Force in Lebanon",

and to allocate it to the Fifth Committee for consideration and report.

2. The Fifth Committee considered agenda item 129 (*b*) at its 44th and 50th meetings, on 12 and 19 December 1990. It had before it the report of the Secretary-General on the financing of the United Nations Interim Force in Lebanon (A/45/802) and the related report of the Advisory Committee on Administrative and Budgetary Questions (see A/45/832).

3. Statements and observations made in the course of the Fifth Committee's consideration of agenda item 129 (*b*) are reflected in the summary records of the meetings (A/C.5/45/SR.44 and 50).

4. At the 50th meeting, the representative of Norway introduced a draft resolution (A/C.5/45/L.10). The representative of Ireland then said that the text of the sixth preambular paragraph, which read:

> "*Bearing in mind* the special responsibilities of the States permanent members of the Security Council in the financing of such operations, as indicated in General Assembly resolution 1874 (S-IV) of 27 June 1963 and other resolutions of the Assembly,"

should read:

> "*Bearing in mind* the special responsibilities of the States permanent members of the Security Council, as indicated in General Assembly resolution 1874 (S-IV) of 27 June 1963, in the financing of such operations,".

5. At the same meeting, the Committee adopted draft resolution A/C.5/45/L.10, as orally revised without a vote (see para. 6 below).

Recommendation of the Fifth Committee

6. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolution:

FINANCING OF THE UNITED NATIONS INTERIM FORCE IN LEBANON

The General Assembly,

Having considered the report of the Secretary-General on the financing of the United Nations Interim Force in Lebanon (A/45/802) and the related report of the Advisory Committee on Administrative and Budgetary Questions (see A//45/832),

Bearing in mind Security Council resolution 425 (1978) of 19 March 1978, by which the Council established the United Nations Interim Force in Lebanon, and the subsequent resolutions by which the Council extended the mandate of the Force, the latest of which was resolution 659 (1990) of 31 July 1990,

Recalling its resolution S-8/2 of 21 April 1978 on the financing of the Force and its subsequent resolutions thereon, the latest of which was resolution 44/188 of 21 December 1989,

Reaffirming its previous decisions regarding the fact that, in order to meet the expenditures caused by the Force, a different procedure is required from the one applied to meet expenditures of the regular budget of the United Nations,

Taking into account the fact that the economically more developed countries are in a position to make relatively larger contributions and that the economically less developed countries have a relatively limited capacity to contribute towards such operations involving heavy expenditures,

Bearing in mind the special responsibilities of the States permanent members of the Security Council, as indicated in General Assembly resolution 1874 (S-IV) of 27 June 1963, in the financing of such operations,

Having regard to the financial position of the Special Account for the Force, as set forth in the report of the Secretary-General, and referring to paragraph 13 of the report of the Advisory Committee,

Recalling its resolution 34/9 E of 17 December 1979 and the subsequent resolutions in which it decided that the provisions of regulations 5.2 (b), 5.2 (d), 4.3 and 4.4 of the Financial Regulations of the United Nations should be suspended, the latest of which was resolution 44/188,

Mindful of the fact that it is essential to provide the Force with the necessary financial resources to enable it to fulfil its responsibilities under the relevant resolutions of the Security Council,

Noting with appreciation that voluntary contributions have been made to the Force by certain Governments,

Concerned that the Secretary-General continues to face difficulties in meeting the obligations of the Force on a current basis, including reimbursement to current and former troop-contributing States, resulting from the withholding of contributions by certain Member States,

Concerned also that the surplus balances in the Special Account for the Force have, in effect, been drawn upon to the full extent to supplement the income received from contributions for meeting expenses of the Force,

Concerned further that the application of the provisions of regulations 5.2 (b), 5.2 (d), 4.3 and 4.4 of the Financial Regulations of the United Nations would aggravate the already difficult financial situation of the Force,

1. *Decides* to appropriate to the Special Account referred to in section I, paragraph 1, of General Assembly resolution S-8/2 the amount of 144,012,000 United States dollars gross (141,672,000 dollars net) authorized and apportioned by the Assembly in paragraphs 2 and 3 of its resolution 44/188 for the operation of the United Nations Interim Force in Lebanon from 1 February 1990 to 31 January 1991, inclusive;

2. *Authorizes* the Secretary-General to enter into commitments for the operation of the Force at a rate not to exceed 12,789,000 dollars gross (12,557,000 dollars net) per month

for the twelve-month period beginning 1 February 1991, should the Security Council decide to continue the Force beyond the period of six months authorized under its resolution 659 (1990);

3. *Decides*, as an *ad hoc* arrangement, to apportion the amounts referred to in paragraph 2 above among Member States, in accordance with the composition of groups set out in paragraphs 3 and 4 of General Assembly resolution 43/232 of 1 March 1989, as adjusted by the Assembly in its resolution 44/192 B of 21 December 1989, and taking into account the scale of assessments for the years 1989, 1990 and 1991;[1]

4. *Decides also* that Liechtenstein shall be included in the group of Member States set out in paragraph 3 (*b*) of General Assembly resolution 43/232 and that its contribution to the Force shall be calculated in accordance with the provisions of the resolution to be adopted by the Assembly at its forty-fifth session regarding the scale of assessments;[2]

5. *Decides further* that Namibia shall be included in the group of Member States set out in paragraph 3 (*d*) of General Assembly resolution 43/232 and that its contribution to the Force shall be calculated in accordance with the provisions of the resolution to be adopted by the Assembly at its forty-fifth session regarding the scale of assessments;[2]

6. *Decides* that, in accordance with regulation 5.2 (c) of the Financial Regulations of the United Nations, the contributions to the Force until 31 January 1991 of the Member States referred to in paragraphs 4 and 5 of the present resolution shall be treated as miscellaneous income to be set off against the apportionments authorized in paragraph 3 of the present resolution;

7. *Decides also* that the provisions of regulations 5.2 (b), 5.2 (d), 4.3 and 4.4 of the Financial Regulations of the United Nations shall be suspended in respect of the amount of 21,897,147 dollars, which otherwise would have to be surrendered pursuant to those provisions, this amount to be entered in the account referred to in the operative part of General Assembly resolution 34/9 E and held in suspense until a further decision is taken by the Assembly;

8. *Requests* the Secretary-General to take all necessary measures to ensure that the Force is administered with a maximum of efficiency and economy;

9. *Renews its invitation* to Member States and other interested parties to make voluntary contributions to the Force both in cash and in the form of services and supplies acceptable to the Secretary-General and also to make voluntary contributions in cash to the Suspense Account established in accordance with General Assembly resolution 34/9 D of 17 December 1979.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 72nd plenary meeting, on 21 December 1990, the General Assembly adopted the draft resolution submitted by the Fifth Committee in its report on agenda item 129 (*a*) (A/45/895, para. 6). For the final text, see resolution 45/243.[3]

At the same meeting, the General Assembly adopted the draft resolution submitted by the Fifth Committee in its report on agenda item 129 (*b*) (A/45/896, para. 6). For the final text, see resolution 45/244.[3]

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[3] See *Official Records of the General Assembly, Forty-fifth Session, Supplement No. 49*.

LIST OF OTHER DOCUMENTS PERTAINING TO THE ITEM

Symbol	*Title or description*	*Observations and references*
A/45/716	Report of the Secretary-General on the financing of the United Nations Disengagement Observer Force	
A/45/802	Report of the Secretary-General on the financing of the United Nations Interim Force in Lebanon	
A/45/832	Report of the Advisory Committee on Administrative and Budgetary Questions	
A/C.5/45/L.9	Draft resolution	See A/45/895, paras. 4 and 6
A/C.5/45/L.10	*Idem*	See A/45/896, paras. 4 and 6

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GENERAL ASSEMBLY

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Agenda item 130

ANNEXES

FORTY-FIFTH SESSION

NEW YORK, 1990/1991

Agenda item 130: Financing of the United Nations Iran-Iraq Military Observer Group*

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DOCUMENT A/45/897

Report of the Fifth Committee

[*Original: Arabic*]
[*20 December 1990*]

1. At its 3rd plenary meeting, on 21 September 1990, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its forty-fifth session, as item 130, the item entitled "Financing of the United Nations Iran-Iraq Military Observer Group", and to allocate it to the Fifth Committee for consideration and report.

2. The Fifth Committee considered the item at its 49th and 50th meetings, on 18 and 19 December 1990. It had before it the report of the Secretary-General on the financing of the United Nations Iran-Iraq Military Observer Group (A/45/847). The related report of the Advisory Committee on Administrative and Budgetary Questions was presented orally by its Chairman (see A/45/7 and Add.1-14, annex, paras. 76-81).

3. Statements and observations made in the course of the Fifth Committee's consideration of the item are reflected in the summary records of the meetings (A/C.5/45/SR.49 and 50).

4. At the 50th meeting, the Chairman of the Fifth Committee introduced a draft resolution (A/C.5/45/L.11). The representative of Ireland then said that the text of the seventh preambular paragraph of the draft resolution, which read as follows:

> "*Bearing in mind* the special responsibilities of the States permanent members of the Security Council, as indicated in General Assembly resolution 1874 (S-IV) of 27 June 1963 and other resolutions of the Assembly, in the financing of such operations,"

should read:

> "*Bearing in mind* the special responsibilities of the States permanent members of the Security Council, as indicated in General Assembly resolution 1874 (S-IV) of 27 June 1963, in the financing of such operations,".

5. At the same meeting, the Committee adopted draft resolution A/C.5/45/L.11, as orally revised, without a vote.

Recommendation of the Fifth Committee

6. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolution:

FINANCING OF THE UNITED NATIONS IRAN-IRAQ MILITARY OBSERVER GROUP

The General Assembly,

Having considered the report of the Secretary-General on the financing of the United Nations Iran-Iraq Military Observer Group (A/45/847), and the related oral report of the Chairman of the Advisory Committee on Administrative and Budgetary Questions (see A/45/7 and Add.1-14, annex, paras. 76-81),

Bearing in mind Security Council resolution 619 (1988) of 9 August 1988, by which the Council established the United Nations Iran-Iraq Military Observer Group, and the subsequent resolutions by which the Council extended the mandate of the Military Observer Group, the latest of which was resolution 676 (1990) of 28 November 1990,

Recalling its resolution 42/233 of 17 August 1988 on the financing of the Military Observer Group and its subsequent resolutions thereon, the latest of which was resolution 44/189 of 21 December 1989,

Reaffirming that the costs of the Military Observer Group are expenses of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations,

Recalling its previous decisions regarding the fact that, in order to meet the expenditures caused by the Military Observer Group, a different procedure is required from the one applied to meet expenditures of the regular budget of the United Nations,

Taking into account the fact that the economically more developed countries are in a position to make relatively larger contributions and that the economically less developed countries have a relatively limited capacity to contribute towards such operations involving heavy expenditures,

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* For the records of the relevant meetings, see *Official Records of the General Assembly, Forty-fifth Session, Fifth Committee*, 49th and 50th meetings, and corrigendum; and *ibid., Plenary Meetings*, 72nd meeting. For the prior consideration of the question, see *Official Records of the General Assembly, Forty-fourth Session, Annexes*, agenda item 134.

Bearing in mind the special responsibilities of the States permanent members of the Security Council, as indicated in General Assembly resolution 1874 (S-IV) of 27 June 1963, in the financing of such operations,

Noting with appreciation that voluntary contributions have been made to the Military Observer Group by certain Governments,

Mindful of the fact that it is essential to provide the Military Observer Group with the necessary financial resources to enable it to fulfil its responsibilities under the relevant resolutions of the Security Council,

1. *Concurs* with the observations, recommendations and conclusions made by the Chairman of the Advisory Committee on Administrative and Budgetary Questions (*ibid.*);

2. *Urges* all Member States to make every possible effort to ensure payment of their assessed contributions to the United Nations Iran-Iraq Military Observer Group in full and on time;

3. *Decides* to appropriate to the Special Account referred to in General Assembly resolution 42/233 the amount of 29.8 million United States dollars gross (29 million dollars net) authorized by the Assembly and apportioned in accordance with paragraphs 5 and 7 of its resolution 44/189 for the operation of the Military Observer Group for the period from 1 April to 30 September 1990;

4. *Decides also* that there shall be set off against the apportionment among Member States, as provided for in paragraph 3 of the present resolution, their respective share in the unencumbered balance of 5 million dollars gross for the period from 1 April to 30 September 1990, inclusive;

5. *Decides further* to appropriate to the Special Account the amount of 9,823,000 dollars gross (9,503,000 dollars net) authorized by the General Assembly and apportioned in accordance with paragraphs 6 and 7 of its resolution 44/189 for the operation of the Military Observer Group for the period from 1 October to 30 November 1990;

6. *Decides* that there shall be set off against the apportionment among Member States, as provided for in paragraph 5 of the present resolution, their respective share in the unencumbered balance of 9,823,000 dollars gross (9,503,000 dollars net) for the period from 1 October to 30 November 1990, inclusive;

7. *Decides also* to appropriate to the Special Account the amount of 7,274,000 dollars gross (6,946,000 dollars net) authorized by the General Assembly and apportioned in accordance with paragraphs 6 and 7 of its resolution 44/189 for the operation of the Military Observer Group for the period from 1 December 1990 to 31 January 1991;

8. *Decides further* that there shall be set off against the apportionment among Member States, as provided for in paragraph 7 of the present resolution, their respective share in the unencumbered balance of 7,274,000 dollars gross (6,946,000 dollars net) in respect of the period from 1 December 1990 to 31 January 1991, inclusive;

9. *Decides* to defer any action on the estimated unencumbered balance of the appropriations as may be called for until its forty-sixth session;

10. *Authorizes* the Secretary-General to enter into commitments for the Military Observer Group at a rate not to exceed 3,475,000 dollars gross (3,269,000 dollars net) per month, subject to the prior concurrence of the Advisory Committee on Administrative and Budgetary Questions, for the period from 1 February 1991 to 31 January 1992, inclusive, should the Security Council decide to continue the Group beyond the period of two months authorized under its resolution 676 (1990), the said amounts to be apportioned among Member States in accordance with the scheme set out in the present resolution;

11. *Decides*, as an *ad hoc* arrangement, to apportion the amounts referred to in paragraph 10 of the present resolution among Member States in accordance with the composition of groups set out in paragraphs 3 and 4 of General Assembly resolution 43/232 of 1 March 1989, as adjusted by the Assembly in its resolution 44/192 B of 21 December 1989, and taking into account the scale of assessments for the years 1989, 1990 and 1991;[1]

12. *Decides also* that Liechtenstein shall be included in the group of Member States set out in paragraph 3 (*b*) of General Assembly resolution 43/232 and that its contribution to the Military Observer Group shall be calculated in accordance with the provisions of the resolution to be adopted by the Assembly at its forty-fifth session regarding the scale of assessments;[2]

13. *Decides further* that Namibia shall be included in the group of Member States set out in paragraph 3 (*d*) of General Assembly resolution 43/232 and that its contribution to the Military Observer Group shall be calculated in accordance with the provisions of the regulation to be adopted by the Assembly at its forty-fifth session regarding the scale of assessments;[2]

14. *Decides* that, in accordance with regulation 5.2 (*c*) of the Financial Regulations of the United Nations, the contributions to the Military Observer Group until 30 September 1990 of the Member States referred to in paragraphs 12 and 13 of the present resolution shall be treated as miscellaneous income to be set off against the apportionments authorized in paragraph 11 of the present resolution;

15. *Approves* the following special arrangements for the Military Observer Group with regard to the application of article IV of the Financial Regulations of the United Nations, whereby appropriations required in respect of obligations owed to Governments providing contingents and/or logistic support to the Group shall be retained beyond the period stipulated under financial regulations 4.3 and 4.4:

(*a*) At the end of the twelve-month period provided in regulation 4.3, any unliquidated obligations of the financial period in question relating to goods supplied and services rendered by Governments for which claims have been received or which are covered by established reimbursement rates shall be transferred to accounts payable; such accounts payable shall remain recorded in the Special Account until payment is effected;

(*b*) (i) Any other unliquidated obligations of the financial period in question owed to Governments for goods supplied and services rendered, as well as other obligations owed to Governments, for which required claims have not yet been received shall remain valid for an additional period of four years following the end of the twelve-month period provided for in regulation 4.3;

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[1] See resolution 43/223 A.

[2] Resolution 45/256 B.

(ii) Claims received during this four-year period shall be treated as provided under subparagraph (*a*) above, if appropriate;

(iii) At the end of the additional four-year period any unliquidated obligations shall be cancelled and the then remaining balance of any appropriations retained therefor will be surrendered;

16. *Requests* the Secretary-General to submit to the Advisory Committee proposed guidelines for setting limits to the period within which Governments are required to submit their claims;

17. *Invites* voluntary contributions to the Military Observer Group in cash and in the form of services and supplies acceptable to the Secretary-General, to be administered, as appropriate, in accordance with the procedure established by the General Assembly in its resolution 44/192 A of 21 December 1989;

18. *Requests* the Secretary-General to take all necessary action to ensure that the Military Observer Group is administered with a maximum of efficiency and economy.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 72nd plenary meeting, on 21 December 1990, the General Assembly adopted the draft resolution submitted by the Fifth Committee in its report (A/45/897, para. 6). For the final text, see resolution 45/245.[3]

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[3] See *Official Records of the General Assembly, Forty-fifth Session, Supplement No. 49.*

LIST OF OTHER DOCUMENTS PERTAINING TO THE ITEM

Symbol	*Title or description*	*Observations and references*
A/45/7 and Add.1-14	First to fifteenth reports of the Advisory Committee on Administrative and Budgetary Questions on the programme budget for the biennium 1990-1991	*Official Records of the General Assembly, Forty-fifth Session, Supplement No. 7*
A/45/847	Report of the Secretary-General	
A/C.5/45/L.11	Draft resolution	See A/45/897, paras. 4 and 6

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Agenda item 131

ANNEXES

FORTY-FIFTH SESSION

NEW YORK, 1990/1991

Agenda item 131: Financing of the United Nations Angola Verification Mission*

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DOCUMENTS A/45/882 AND ADD.1

Report of the Fifth Committee

DOCUMENT A/45/882

PART I OF THE REPORT

[*Original: Arabic*]
[*19 December 1990*]

1. At its 3rd plenary meeting, on 21 September 1990, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its forty-fifth session, as item 131, the item entitled "Financing of the United Nations Angola Verification Mission", and to allocate it to the Fifth Committee for consideration and report.

2. At its 42nd and 49th meetings, on 10 and 18 December 1990, the Fifth Committee considered the item. It had before it the report of the Secretary-General on the financing of the United Nations Angola Verification Mission (A/45/718) and the related report of the Advisory Committee on Administrative and Budgetary Questions (A/45/827).

3. Statements and observations made in the course of the Fifth Committee's consideration of the item are reflected in the summary records of the meetings (A/C.5/45/SR.42 and 49).

4. At the 49th meeting, the representative of Ireland introduced a draft resolution (A/C.5/45/L.12).

5. At the same meeting, the Committee adopted draft resolution A/C.5/45/L.12 without a vote (see para. 6 below).

Recommendation of the Fifth Committee

6. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolution:

Financing of the United Nations Angola Verification Mission

The General Assembly,

Having considered the report of the Secretary-General on the financing of the United Nations Angola Verification Mission (A/45/718), and the related report of the Advisory Committee on Administrative and Budgetary Questions (A/45/827),

Bearing in mind Security Council resolution 626 (1988) of 20 December 1988, by which the Council established the United Nations Angola Verification Mission for a period of thirty-one months,

Reaffirming that the costs of the Verification Mission are expenses of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations,

Recalling its previous decisions regarding the fact that, in order to meet the expenditures caused by the Verification Mission, a different procedure is required from the one applied to meet expenditures of the regular budget of the United Nations,

Taking into account the fact that the economically more developed countries are in a position to make relatively larger contributions and that the economically less developed countries have a relatively limited capacity to contribute towards such an operation,

Bearing in mind the special responsibilities of the States permanent members of the Security Council, as indicated in General Assembly resolution 1874 (S-IV) of 27 June 1963, in the financing of such operations,

Noting with appreciation that voluntary contributions have been made to the Verification Mission by a Government,

Mindful of the fact that it is essential to provide the Verification Mission with the necessary financial resources to enable it to fulfil its responsibilities under the relevant resolution of the Security Council,

1. *Concurs* with the observations, recommendations and conclusions contained in the report of the Advisory Committee on Administrative and Budgetary Questions (*ibid.*);

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* For the records of the relevant meetings, see *Official Records of the General Assembly, Forty-fifth Session, Fifth Committee*, 42nd, 49th, 65th and 66th meetings, and corrigendum; and *ibid., Plenary Meetings*, 72nd and 80th meetings. For the prior consideration of the question, see *Official Records of the General Assembly, Forty-fourth Session, Annexes*, agenda item 135.

2. *Urges* all Member States to make every possible effort to ensure payment of their assessed contributions to the United Nations Angola Verification Mission in full and on time;

3. *Decides*, taking into account the outstanding assessed contributions due to the Special Account for the United Nations Angola Verification Mission, to defer any action on the estimated unencumbered balance of the appropriations as may be called for until its forty-sixth session;

4. *Decides also* to appropriate to the Special Account an amount of 4,381,900 United States dollars for the operation of the Verification Mission for the period from 3 January to 2 August 1991;

5. *Decides further*, as an *ad hoc* arrangement, to apportion the amount of 4,381,900 dollars for the above-mentioned period among Member States in accordance with the composition of groups set out in paragraphs 3 and 4 of General Assembly resolution 43/232 of 1 March 1989, as adjusted by the Assembly in its resolution 44/192 B of 21 December 1989, and taking into account the scale of assessments for the years 1989, 1990 and 1991;[1]

6. *Decides* that, in accordance with the provisions of its resolution 973 (X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 5 of the present resolution, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 158,000 dollars approved for the period from 3 January to 2 August 1991, inclusive;

7. *Approves* the request of the Secretary-General that he proceed with the disposition of the assets of the Verification Mission as proposed in paragraph 9 of his report (A/45/718) and paragraph 12 of the report of the Advisory Committee (A/45/827);

8. *Decides* that Liechtenstein shall be included in the group of Member States set out in paragraph 3 (*b*) of General Assembly resolution 43/232 and that its contribution to the Verification Mission shall be calculated in accordance with the provisions of the resolution to be adopted by the Assembly at its forty-fifth session regarding the scale of assessments;[2]

9. *Decides also* that Namibia shall be included in the group of Member States set out in paragraph 3 (*d*) of General Assembly resolution 43/232 and that its contribution to the Verification Mission shall be calculated in accordance with the provisions of the resolution to be adopted by the Assembly at its forty-fifth session regarding the scale of assessments;[2]

10. *Decides further* that, in accordance with regulation 5.2 (c) of the Financial Regulations of the United Nations, the contributions to the Verification Mission until 2 January 1991 of the Member States referred to in paragraphs 8 and 9 above shall be treated as miscellaneous income to be set off against the apportionments authorized in paragraph 5 above;

11. *Invites* voluntary contributions to the Verification Mission in cash and in the form of services and supplies acceptable to the Secretary-General, to be administered, as appropriate, in accordance with the procedure established by the General Assembly in its resolution 44/192 A of 21 December 1989;

12. *Requests* the Secretary-General to take all necessary action to ensure that the Verification Mission is administered with a maximum of efficiency and economy.

DOCUMENT A/45/882/ADD.1

PART II OF THE REPORT

[*Original: Arabic*]
[*14 August 1991*]

1. The previous recommendation made by the Fifth Committee to the General Assembly under agenda item 131 appears in part I of the Committee's report (document A/45/882 above).

2. The Fifth Committee further considered the item at its 65th and 66th meetings, on 12 and 13 August 1991. It had before it the report of the Secretary-General on the financing of the United Nations Angola Verification Mission (A/45/1028) and the related report of the Advisory Committee on Administrative and Budgetary Questions (A/45/1043).

3. Statements and observations made in the course of the Fifth Committee's consideration of the item are reflected in the summary records of the meetings (A/C.5/45/SR.65 and 66).

4. At the 66th meeting, the representative of Ireland introduced a draft resolution (A/C.5/45/L.34).

5. At the same meeting, the Committee adopted draft resolution A/C.5/45/L.34 without a vote (see para. 7 below).

6. Following the adoption of the draft resolution the representatives of Japan and Angola made statements.

Recommendation of the Fifth Committee

7. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolution:

FINANCING OF THE UNITED NATIONS ANGOLA VERIFICATION MISSION II

The General Assembly,

Having considered the report of the Secretary-General on the financing of the United Nations Angola Verification Mission (A/45/1028) and the related report of the Advisory Committee on Administrative and Budgetary Questions (A/45/1043),

Bearing in mind Security Council resolution 626 (1988) of 20 December 1988, by which the Council established the United Nations Angola Verification Mission, as well as Council resolution 696 (1991) of 30 May 1991, by which the Council decided to entrust a new mandate to the United Nations Angola Verification Mission (thenceforth called the United Nations Angola Verification Mission II) and to establish the mission for a period of seventeen months,

Noting that the budgetary estimate for the Verification Mission as contained in the report of the Secretary-General amounts to 122,621,900 United States dollars gross (121,416,000 dollars net) for the seventeen-month mandate period,

Reaffirming that the costs of the Verification Mission are expenses of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations,

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[1] See resolution 43/223 A.

[2] Resolution 45/256 B.

Recalling its previous decisions regarding the fact that, in order to meet the expenditures caused by the Verification Mission, a different procedure is required from the one applied to meet expenditures of the regular budget of the United Nations,

Taking into account the fact that the economically more developed countries are in a position to make relatively larger contributions and that the economically less developed countries have a relatively limited capacity to contribute towards such an operation,

Bearing in mind the special responsibilities of the States permanent members of the Security Council, as indicated in General Assembly resolution 1874 (S-IV) of 27 June 1963, in the financing of such operations,

Mindful of the fact that it is essential to provide the Verification Mission with the necessary financial resources to enable it to fulfil its responsibilities under the relevant resolution of the Security Council,

1. *Concurs* with the observations, recommendations and conclusions contained in the report of the Advisory Committee on Administrative and Budgetary Questions (*ibid.*), and requests the Secretary-General, in his report on the financing of the United Nations Angola Verification Mission II to the General Assembly at its forty-sixth session, to indicate the measures taken in response;

2. *Urges* all Member States to make every possible effort to ensure payment of their assessed contributions to the Verification Mission in full and on time;

3. *Decides* to continue to use the Special Account, established for the United Nations Angola Verification Mission in accordance with General Assembly resolution 43/231 of 16 February 1989, for the United Nations Angola Verification Mission II beginning on 1 June 1991;

4. *Decides also* to appropriate to the Special Account an amount of 49,467,000 United States dollars gross, inclusive of the amount of 10 million dollars authorized by the Advisory Committee under the terms of General Assembly resolution 44/203 of 21 December 1989, for the operation of the Verification Mission for the period from 1 June to 31 December 1991;

5. *Decides further*, as an *ad hoc* arrangement, to apportion the amount of 49,467,000 dollars gross for the above-mentioned period among Member States in accordance with the composition of groups set out in paragraphs 3 and 4 of General Assembly resolution 43/232 of 1 March 1989, as adjusted by the Assembly in its resolution 44/192 B of 21 December 1989, and taking into account the scale of assessments for the years 1989, 1990 and 1991;[3]

6. *Decides* that, in accordance with the provisions of its resolution 973 (X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 5 of the present resolution, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 334,100 dollars approved for the period from 1 June to 31 December 1991, inclusive;

7. *Decides also*, having reviewed its decision as contained in paragraph 3 of its resolution 45/246 of 21 December 1990 in the light of paragraphs 10 and 23 of the report of the Advisory Committee, that there shall be set off against the apportionment among Member States, as provided for in paragraph 5 of the present resolution, their respective share in the projected surplus of 1,421,658 dollars gross (1,351,258 dollars net) for the period from 3 January 1989 to 31 May 1991, inclusive;

8. *Decides further* that Liechtenstein shall be included in the group of Member States set out in paragraph 3 (*b*) of General Assembly resolution 43/232;

9. *Decides* that Namibia shall be included in the group of Member States set out in paragraph 3 (*d*) of General Assembly resolution 43/232;

10. *Invites* voluntary contributions to the Verification Mission in cash and in the form of services and supplies acceptable to the Secretary-General, to be administered, as appropriate, in accordance with the procedure established by the General Assembly in its resolution 44/192 A of 21 December 1989;

11. *Decides* to include in the draft agenda of its forty-sixth session an item entitled "Financing of the United Nations Angola Verification Mission II".

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[3] See resolutions 43/223 A and 45/256 B.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 72nd plenary meeting, on 21 December 1990, the General Assembly adopted the draft resolution submitted by the Fifth Committee in part I of its report (A/45/882, para. 6). For the final text, see resolution 45/246.[4]

At its 80th plenary meeting, on 27 August 1991, the General Assembly adopted the draft resolution submitted by the Fifth Committee in part II of its report (A/45/882/Add.1, para. 7). For the final text, see resolution 45/269.[5]

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[4] See *Official Records of the General Assembly, Forty-fifth Session, Supplement No. 49*.

[5] *Ibid., Supplement No. 49A*.

LIST OF OTHER DOCUMENTS PERTAINING TO THE ITEM

Symbol	*Title or description*	*Observations and references*
A/45/718	Report of the Secretary-General	
A/45/827	Report of the Advisory Committee on Administrative and Budgetary Questions	
A/45/1028	Report of the Secretary-General	

Symbol	*Title or description*	*Observations and references*
A/45/1043	Report of the Advisory Committee on Administrative and Budgetary Questions	
A/C.5/45/L.12	Draft resolution	See A/45/882, paras. 4 and 6
A/C.5/45/L.34	*Idem*	See A/45/882/Add.1, paras. 4 and 7

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Agenda item 132

ANNEXES

FORTY-FIFTH SESSION

NEW YORK, 1990/1991

Agenda item 132: Financing of the United Nations Transition Assistance Group*

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DOCUMENT A/45/1014

Report of the Fifth Committee

[*Original: Arabic*]
[*20 May 1991*]

1. At its 3rd plenary meeting, on 21 September 1990, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its forty-fifth session, as item 132, the item entitled "Financing of the United Nations Transition Assistance Group", and to allocate it to the Fifth Committee for consideration and report.

2. At its 53rd, 54th, 56th and 60th meetings, between 29 April and 17 May 1991, the Fifth Committee considered the item. It had before it the report of the Secretary-General on the financing of the United Nations Transition Assistance Group (A/45/997 and Corr 1) and the related report of the Advisory Committee on Administrative and Budgetary Questions (A/45/1003).

3. Statements and observations made in the course of the Fifth Committee's consideration of the item are reflected in the summary records of the meetings (A/C.5/45/SR.53, 54, 56 and 60).

4. At the 60th meeting, on 17 May, the representative of Ireland introduced a draft resolution (A/C.5/45/L.29) and orally revised it by replacing, in paragraph 5, the phrase "having the credits due to them set" by the phrase "the utilization of the credits due to them to be set".

5. At the same meeting, the Committee adopted draft resolution A/C.5/45/L.29, as orally revised, without a vote (see para. 8 below).

6. Also at the same meeting, the Controller made a statement following the adoption of the draft resolution.

7. The representative of Japan then made a statement.

Recommendation of the Fifth Committee

8. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolution:

FINANCING OF THE UNITED NATIONS TRANSITION ASSISTANCE GROUP

The General Assembly,

Recalling its resolution 43/232 of 1 March 1989,

Bearing in mind Security Council resolution 435 (1978) of 29 September 1978, by which the Council established the United Nations Transition Assistance Group for a period of up to twelve months, as well as Council resolutions 629 (1989) of 16 January 1989 and 632 (1989) of 16 February 1989,

Having considered the report of the Secretary-General on the financing of the United Nations Transition Assistance Group (A/45/997 and Corr.1) and the related report of the Advisory Committee on Administrative and Budgetary Questions (A/45/1003),

Recalling that the amount of 409,555,646 United States dollars was assessed on Member States for the Group,

Bearing in mind that assessed contributions remain uncollected,

Noting with appreciation that voluntary contributions in cash and in kind have been made to the Group by certain Governments,

Recognizing that the situation in which a peace-keeping operation has terminated with resources in excess of net estimated revised costs is unprecedented,

1. *Takes note* of the observations and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions (*ibid.*);

2. *Notes* that the net estimated cost of the United Nations Transition Assistance Group to Member States has been revised to 345,314,701 dollars and that the financial obligations of Member States to the Group shall be adjusted accordingly;

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* For the records of the relevant meetings, see *Official Records of the General Assembly, Forty-fifth Session, Fifth Committee*, 53rd, 54th, 56th and 60th meetings, and corrigendum; and *ibid., Plenary Meetings*, 72nd and 76th meetings. For the prior consideration of the question, see *Official Records of the General Assembly, Forty-fourth Session, Annexes*, agenda item 136.

3. *Decides* that the Member States whose payments to the Group exceed their adjusted financial obligations shall be credited in full with the difference;

4. *Notes* that the United Nations has been called upon to launch new peace-keeping operations and that significant obligations will result for Member States;

5. *Invites* Member States to consider the utilization of the credits due to them to be set off against their assessed contributions for other United Nations peace-keeping operations in accordance with the Financial Regulations and Rules of the United Nations;

6. *Requests* the Board of Auditors to take the measures necessary to expedite the audit of the Special Account for the United Nations Transition Assistance Group and submit its findings to the General Assembly at its forty-sixth session;

7. *Requests* the Advisory Committee, on receipt of the special audit requested in paragraph 6 of the present resolution, to make appropriate recommendations regarding the Special Account, taking into consideration interest earnings of the Special Account;

8. *Takes note* of the proposal of the Secretary-General that the shortfall of 3,336,000 dollars for funding the repatriation of some 45,000 Namibians by the Office of the United Nations High Commissioner for Refugees be charged to the Special Account;

9. *Notes* that the unencumbered balance shown in annex VI to the report of the Secretary-General (A/45/997 and Corr.1) does not include the reported shortfall in the funding for the repatriation of Namibian refugees;

10. *Invites* the Secretary-General to renew his appeal to Governments to meet this reported shortfall, and requests the Secretary-General to submit a report on this issue, through the Advisory Committee, to the General Assembly at its forty-sixth session;

11. *Concurs* with the observations and recommendations of the Advisory Committee contained in paragraph 8 of its report and approves the special arrangements for the Group with regard to the application of article IV of the Financial Regulations of the United Nations, whereby appropriations required in respect of obligations owed to Governments providing contingents and/or logistic support to the Group shall be retained beyond the period stipulated under financial regulations 4.3 and 4.4, as set out in the annex to the present resolution;

12. *Urges* those Member States that are still in arrears to make every effort to pay their assessed contributions to the Group.

ANNEX

Special arrangements with regard to the application of article IV of the Financial Regulations of the United Nations

1. At the end of the twelve-month period provided in regulation 4.3, any unliquidated obligations of the financial period in question relating to goods supplied and services rendered by Governments for which claims have been received or which are covered by established reimbursement rates shall be transferred to accounts payable; such accounts payable shall remain recorded in the Special Account until payment is effected;

2. (*a*) Any other unliquidated obligations of the financial period in question owed to Governments for goods supplied and services rendered, as well as other obligations owed to Governments, for which required claims have not yet been received shall remain valid for an additional period of four years following the end of the twelve-month period provided for in regulation 4.3;

(*b*) Claims received during this four-year period shall be treated as provided under paragraph 1 of the present annex, if appropriate;

(*c*) At the end of the additional four-year period any unliquidated obligations shall be cancelled and the then remaining balance of any appropriations retained therefor shall be surrendered.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 72nd plenary meeting, on 21 December 1990, the General Assembly decided to retain on the agenda of its forty-fifth session item 132 (see decision 45/455).[1]

At its 76th plenary meeting, on 17 May 1991, the General Assembly adopted the draft resolution submitted by the Fifth Committee in its report (A/45/1014, para. 8). For the final text, see resolution 45/265.[2]

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[1] See *Official Records of the General Assembly, Forty-fifth Session, Supplement No. 49.*

[2] *Ibid., Supplement No. 49A.*

LIST OF OTHER DOCUMENTS PERTAINING TO THE ITEM

Symbol	*Title or description*	*Observations and references*
A/45/997 and Corr.1	Report of the Secretary-General	
A/45/1003	Report of the Advisory Committee on Administrative and Budgetary Questions	
A/C.5/45/L.29	Draft resolution	See A/45/1014, paras. 4 and 8
A/C.5/45/L.31	Note by the Secretariat submitting information on the adjusted financial obligations of Member States	

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Agenda item 133

ANNEXES

FORTY-FIFTH SESSION

NEW YORK, 1990/1991

Agenda item 133: Financing of the United Nations Observer Group in Central America*

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DOCUMENT A/45/892

Report of the Fifth Committee

[*Original: Arabic*]
[*20 December 1990*]

1. At its 3rd plenary meeting, on 21 September 1990, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its forty-fifth session, as item 133, the item entitled "Financing of the United Nations Observer Group in Central America", and to allocate it to the Fifth Committee for consideration and report.

2. At its 47th and 50th meetings, on 15 and 19 December 1990, the Fifth Committee considered the item. It had before it the report of the Secretary-General on the financing of the United Nations Observer Group in Central America (A/45/833) and the related report of the Advisory Committee on Administrative and Budgetary Questions (A/45/867).

3. Statements and observations made in the course of the Fifth Committee's consideration of the item are reflected in the summary records of the meetings (A/C.5/45/SR.47 and 50).

4. At the 50th meeting, the representative of Ireland introduced a draft resolution (A/C.5/45/L.13).

5. At the same meeting, the Committee adopted draft resolution A/C.5/45/L.13 without a vote (see para. 6 below).

Recommendation of the Fifth Committee

6. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolution:

FINANCING OF THE UNITED NATIONS OBSERVER GROUP IN CENTRAL AMERICA

The General Assembly,

Having considered the report of the Secretary-General on the financing of the United Nations Observer Group in Central America (A/45/833) and the related report of the Advisory Committee on Administrative and Budgetary Questions (A/45/867),

Bearing in mind Security Council resolution 644 (1989) of 7 November 1989, by which the Council established the United Nations Observer Group in Central America and the subsequent resolutions by which the Council extended the mandate of the Group, the latest of which was resolution 675 (1990) of 5 November 1990,

Reaffirming that the costs of the Group are expenses of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations,

Recalling its previous decisions regarding the fact that, in order to meet the expenditures caused by the Group, a different procedure is required from the one applied to meet expenditures of the regular budget of the United Nations,

Taking into account the fact that the economically more developed countries are in a position to make relatively larger contributions and that the economically less developed countries have a relatively limited capacity to contribute towards such an operation,

Bearing in mind the special responsibilities of the States permanent members of the Security Council, as indicated in General Assembly resolution 1874 (S-IV) of 27 June 1963, in the financing of such operations,

Noting with appreciation that voluntary contributions have been made to the Group by certain Member States,

Mindful of the fact that it is essential to provide the Group with the necessary financial resources to enable it to fulfil its responsibilities under the relevant resolutions of the Security Council,

1. *Concurs* with the observations, recommendations and conclusions contained in the report of the Advisory Committee on Administrative and Budgetary Questions (*ibid.*);

2. *Urges* all Member States to make every possible effort to ensure payment of their assessed contributions to

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* For the records of the relevant meetings, see *Official Records of the General Assembly, Forty-fifth Session, Fifth Committee*, 47th and 50th meetings, and corrigendum; and *ibid., Plenary Meetings*, 72nd meeting. For the prior consideration of the question, see *Official Records of the General Assembly, Forty-fourth Session, Annexes*, agenda item 159.

the United Nations Observer Group in Central America in full and on time;

3. *Decides* to appropriate to the Special Account for the United Nations Observer Group in Central America the amount of 27,144,600 United States dollars gross (26,337,000 dollars net) authorized and apportioned by the General Assembly in paragraph 5 of its resolution 44/44 of 7 December 1989 for the operation of the Group for the period from 7 May to 7 November 1990, inclusive;

4. *Decides also* that there shall be set off against the apportionment among Member States for the period 7 May to 7 November 1990, as provided for in paragraph 3 of the present resolution, their respective share in the unencumbered balance of 10,219,300 dollars gross (9,989,800 dollars net) in respect of the period from 7 November 1989 to 7 May 1990, inclusive;

5. *Decides further* to appropriate to the Special Account an amount of 19,410,200 dollars for the operation of the Group for the period from 7 November 1990 to 7 May 1991, inclusive;

6. *Decides*, as an *ad hoc* arrangement, to apportion the amount of 19,410,200 dollars for the above-mentioned period among Member States in accordance with the composition of groups set out in paragraphs 3 and 4 of General Assembly resolution 43/232 of 1 March 1989, as adjusted by the Assembly in its resolution 44/192 B of 21 December 1989, and taking into account the scale of assessments for the years 1989, 1990 and 1991;[1]

7. *Decides also* that there shall be set off against the apportionment among Member States, as provided for in paragraph 6 of the present resolution, their respective share in the unencumbered balance of 1,718,000 dollars for the period from 7 November 1989 to 7 November 1990, inclusive;

8. *Decides further* that, in accordance with the provisions of its resolution 973 (X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 6 of the present resolution, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 591,600 dollars approved for the period from 7 November 1990 to 7 May 1991, inclusive;

9. *Authorizes* the Secretary-General to enter into commitments for the Group at a rate not to exceed 2,730,000 dollars gross (2,633,000 dollars net) per month, with the prior concurrence of the Advisory Committee, for the period from 7 May to 7 November 1991, inclusive, should the Security Council decide to continue the Group beyond the period of six months authorized under its resolution 675 (1990), the said amount to be apportioned among Member States in accordance with the scheme set out in the present resolution;

10. *Decides* that Liechtenstein shall be included in the group of Member States set out in paragraph 3 (*b*) of General Assembly resolution 43/232 and that its contribution to the Group shall be calculated in accordance with the provisions of the resolution to be adopted by the Assembly at its forty-fifth session regarding the scale of assessments;[2]

11. *Decides also* that Namibia shall be included in the group of Member States set out in paragraph 3 (*d*) of General Assembly resolution 43/232 and that its contribution to the Group shall be calculated in accordance with the provisions of the resolution to be adopted by the Assembly at its forty-fifth session regarding the scale of assessments;[2]

12. *Decides further* that, in accordance with regulation 5.2 (*c*) of the Financial Regulations of the United Nations, the contributions to the Group until 7 November 1990 of the Member States referred to in paragraphs 10 and 11 of the present resolution shall be treated as miscellaneous income to be set off against the apportionments authorized in paragraph 6 of the present resolution;

13. *Invites* voluntary contributions to the Group in cash and in the form of services and supplies acceptable to the Secretary-General, to be administered, as appropriate, in accordance with the procedure established by the General Assembly in its resolution 44/192 A of 21 December 1989;

14. *Requests* the Secretary-General to take all necessary action to ensure that the Group is administered with a maximum of efficiency and economy.

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[1] See resolution 43/223 A.

[2] Resolution 45/256 B.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 72nd plenary meeting, on 21 December 1990, the General Assembly adopted the draft resolution submitted by the Fifth Committee in its report (A/45/892, para. 6). For the final text, see resolution 45/247.[3]

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[3] See *Official Records of the General Assembly, Forty-fifth Session, Supplement No. 49*.

LIST OF OTHER DOCUMENTS PERTAINING TO THE ITEM

Symbol	*Title or description*	*Observations and references*
A/45/833	Report of the Secretary-General	
A/45/867	Report of the Advisory Committee on Administrative and Budgetary Questions	
A/C.5/45/L.13	Draft resolution	See A/45/892, paras. 4 and 6

United Nations **Agenda item 134**

GENERAL ASSEMBLY

ANNEXES

FORTY-FIFTH SESSION

Official Records

NEW YORK, 1990/1991

Agenda item 134: Administrative and budgetary aspects of the financing of the United Nations peace-keeping operations*

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List of other documents pertaining to the item 3

DOCUMENT A/45/903

Report of the Fifth Committee

[*Original: Arabic*]
[*21 December 1990*]

1. At its 3rd plenary meeting, on 21 September 1990, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its forty-fifth session, as item 134, the item entitled "Administrative and budgetary aspects of the financing of the United Nations peace-keeping operations", and to allocate it to the Fifth Committee for consideration and report.

2. The Fifth Committee considered the item at its 40th to 43rd and 52nd meetings, between 5 and 21 December 1990.

3. For its consideration of the item, the Committee had before it the following documents:

[*See the list of documents at the end of the present fascicle.*]

Consideration of proposals

4. At the 52nd meeting, on 21 December, the representative of Ireland introduced a draft resolution (A/C.5/45/L.25) sponsored by Argentina, Austria, Belgium, Canada, Costa Rica, Cuba, Denmark, Egypt, Fiji, Finland, Germany, Greece, Hungary, Iceland, Ireland, Italy, Lebanon, Nepal, the Netherlands, Nigeria, Norway, Poland, Portugal, Spain, Sweden and Venezuela. At the same meeting, a procedural motion by the representative of the Union of Soviet Socialist Republics was rejected by 54 votes to 7, with 16 abstentions. The voting was as follows:

In favour: Barbados, Israel, Jordan, New Zealand, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United States of America.

Against: Argentina, Australia, Austria, Bangladesh, Belgium, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cameroon, Canada, Chile, Colombia, Costa Rica, Cuba, Czechoslovakia, Denmark, El Salvador, Ethiopia, Fiji, Finland, Germany, Ghana, Greece, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Japan, Lesotho, Malaysia, Mexico, Nepal, Netherlands, Nigeria, Norway, Pakistan, Peru, Philippines, Poland, Portugal, Romania, Singapore, Spain, Sweden, Thailand, Uganda, United Republic of Tanzania, Venezuela, Yugoslavia.

Abstaining: Algeria, Bahrain, Benin, China, Congo, Côte d'Ivoire, Egypt, France, Kenya, Libyan Arab Jamahiriya, Madagascar, Malawi, Turkey, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, Zaire.

5. At the same meeting, the representative of the United States of America proposed that paragraph 6 of the draft resolution, which read:

> "6. *Decides* that, as an interim measure, the standard rates of reimbursement to the Governments of troop-contributing States shall be increased by 4 per cent beginning 1 July 1991;"

should be amended to read:

> "6 *Decides* that reimbursements to Governments of troop-contributing States need periodic adjustment and that this is an issue which must be given special high-level attention at the resumed forty-fifth session of the General Assembly in April in the context of an overall consideration of peace-keeping financing arrangements, taking into account the changing character of peace-keeping activities;".

The amendment proposed by the representative of the United States of America was rejected by 52 votes to 3, with 21 abstentions. The voting was as follows:

In favour: Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United States of America.

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* For the records of the relevant meetings, see *Official Records of the General Assembly, Forty-fifth Session, Fifth Committee*, 40th to 43rd and 52nd meetings, and corrigendum; and *ibid., Plenary Meetings*, 72nd and 74th meetings. For the prior consideration of the question, see *Official Records of the General Assembly, Forty-fourth Session, Annexes*, agenda item 137.

Against: Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Canada, Chile, Colombia, Costa Rica, Cuba, Czechoslovakia, Denmark, Egypt, El Salvador, Ethiopia, Fiji, Finland, France, Germany, Ghana, Greece, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Japan, Luxembourg, Malaysia, Mexico, Nepal, Netherlands, Nicaragua, Norway, Peru, Philippines, Poland, Portugal, Singapore, Spain, Sweden, Thailand, Uganda, Venezuela, Yugoslavia.

Abstaining: Algeria, Bahrain, Benin, Cameroon, China, Congo, Côte d'Ivoire, Israel, Jordan, Kenya, Libyan Arab Jamahiriya, Madagascar, Malawi, New Zealand, Nigeria, Romania, Turkey, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Yemen, Zaire.

6. Also at the same meeting, the Committee adopted draft resolution A/C.5/45/L.25 by 82 votes to 2, with 9 abstentions (see para. 8 below). The voting was as follows:

In favour: Algeria, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Belgium, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cameroon, Canada, Chile, Colombia, Costa Rica, Cuba, Czechoslovakia, Denmark, Egypt, El Salvador, Ethiopia, Fiji, Finland, France, Germany, Ghana, Greece, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Japan, Jordan, Kenya, Kuwait, Lesotho, Luxembourg, Madagascar, Malawi, Malaysia, Mali, Mauritania, Mexico, Morocco, Myanmar, Nepal, Netherlands, Nicaragua, Nigeria, Norway, Oman, Pakistan, Peru, Philippines, Poland, Portugal, Romania, Senegal, Singapore, Spain, Sweden, Thailand, Togo, Tunisia, Turkey, Uganda, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Venezuela, Yemen, Yugoslavia, Zaire.

Against: Union of Soviet Socialist Republics, United States of America.

Abstaining: Barbados, Benin, China, Congo, Côte d'Ivoire, Israel, Libyan Arab Jamahiriya, New Zealand, Ukrainian Soviet Socialist Republic.

7. Comments and observations made in the course of the Committee's consideration of the item are reflected in the summary records of the meetings (A/C.5/45/SR.40-43 and 52).

Recommendation of the Fifth Committee

8. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolution:

Administrative and budgetary aspects of the financing of the United Nations peace-keeping operations

The General Assembly,

Recalling its resolution 44/192 of 21 December 1989 on the administrative and budgetary aspects of the financing of the United Nations peace-keeping operations,

Recalling also its resolution 44/49 of 8 December 1989 on the comprehensive review of the whole question of peace-keeping operations in all their aspects,

Recalling further its resolution 45/75 of 11 December 1990, particularly paragraph 13 thereof, on the composition of peace-keeping operations,

Having considered with appreciation the reports of the Secretary-General on the review of the rates of reimbursement to the Governments of troop-contributing States (A/45/582), the support account for peace-keeping operations (A/45/493), the feasibility and cost-effectiveness of a reserve stock of equipment and supply items for United Nations peace-keeping activities (A/45/493/Add.1), the use of civilian personnel in peace-keeping operations (A/45/502) and the related report of the Advisory Committee on Administrative and Budgetary Questions (A/45/801),

Bearing in mind the views expressed by Member States on those reports at its forty-fifth session,

Noting the significant increase in United Nations peace-keeping activities and the resulting increased demands on the human, material and financial resources of the Organization and Member States,

Reiterating its great concern at the extremely difficult financial situation of some of the existing peace-keeping operations and at the heavy burden on troop-contributing States,

Re-emphasizing the need to ensure a sound financial and administrative basis for peace-keeping operations,

Mindful of the fact that it is essential to provide peace-keeping operations with the necessary financial resources, especially those essential for the start-up of such operations, to enable them to fulfil their mandates in accordance with the relevant resolutions of the Security Council,

1. *Continues to urge* all Member States to make every possible effort to ensure payment of their assessed contributions to peace-keeping operations in full and on time, in accordance with their obligations under the Charter of the United Nations;

2. *Affirms* the importance of administering peace-keeping operations with the maximum of efficiency and economy;

3. *Requests* the Secretary-General to improve co-ordination within the peace-keeping-related units in the Secretariat in order to enhance the efficiency of peace-keeping operations and to ensure better communication with States in order to assist the latter in responding promptly to the financial and administrative requirements of the operations, particularly those of the start-up phase;

4. *Also requests* the Secretary-General to make every possible effort to broaden the participation of countries in United Nations peace-keeping operations;

5. *Takes note* of the observations made by the Secretary-General on the rates of reimbursement to the Governments of troop-contributing States (A/45/582, paras. 3 and 6) and the related comments of the Advisory Committee on Administrative and Budgetary Questions (A/45/801, paras. 8 and 9);

6. *Decides* that, as an interim measure, the standard rates of reimbursement to the Governments of troop-contributing States shall be increased by 4 per cent beginning 1 July 1991;

7. *Invites* States contributing personnel (civilian and military), equipment and services that can afford to do so to consider the possibility of providing them, in whole or in part, on a voluntary basis;

8. *Invites* States to make voluntary contributions to the United Nations peace-keeping operations both in cash and in the form of services and supplies acceptable to the Secretary-

General, to be administered, as appropriate, in accordance with General Assembly resolution 44/192 A;

9. *Takes note* of the observations and proposals of the Secretary-General on the technical guidelines relating to the use and operation of the support account for peace-keeping operations (A/45/493, paras. 13, 16 and 17), and approves its establishment effective 1 January 1990, subject to the observations of the Advisory Committee (A/45/801, paras. 14 and 15);

10. *Also takes note* of the proposals of the Secretary-General to establish a reserve stock of commonly used equipment and supply items for United Nations peace-keeping operations (A/45/493/Add.1, paras. 5 and 7), and concurs with the views of the Advisory Committee in this regard (A/45/801, para. 30);

11. *Endorses* the proposals made by the Secretary-General on the use of civilian personnel in peace-keeping operations, taking into account the comments of the Advisory Committee, subject to the policy and criteria of payment to such personnel and the reimbursement to the contributing States being kept under review as recommended by the Advisory Committee (*ibid.*, para. 35);

12. *Reiterates* its concurrence with the recommendation of the Advisory Committee that standard administrative procedures to govern the provision of civilian personnel in peace-keeping operations should be established, consistent with existing rules and practices and taking into consideration the practical and legal concerns and the experience gained in the newly established peace-keeping operations;

13. *Requests* the Secretary-General and the Advisory Committee to report to the General Assembly, as appropriate, on the presentation of data by troop-contributing States on the rates of reimbursement, the support account for peace-keeping operations, the reserve stock of commonly used equipment and supply items and the use of civilians in peace-keeping operations;

14. *Decides* to include in the provisional agenda of its forty-sixth session the item entitled "Administrative and budgetary aspects of the financing of the United Nations peace-keeping operations".

DOCUMENT A/45/L.47

Ireland: amendment to the draft resolution submitted by the Fifth Committee in document A/45/903

[*Original: English*]
[*2 May 1991*]

1. Insert a new paragraph 14 reading:

"14. *Requests* the Secretary-General to review the present practices and approaches regarding the calculation of expenditures incurred by the United Nations in the conduct of peace-keeping operations, including the financial arrangements of the Organization with Governments in respect of such calculations, and to report thereon, with recommendations for possible improvements, to the General Assembly at its forty-seventh session;"

2. Renumber former paragraph 14 as paragraph 15.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 72nd plenary meeting, on 21 December 1990, the General Assembly decided to retain on the agenda of its forty-fifth session item 134 (see decision 45/455).[1]

At its 74th plenary meeting, on 3 May 1991, the General Assembly adopted the amendment (A/45/L.47) to the draft resolution submitted by the Fifth Committee in its report (A/45/903, para. 8). The Assembly then adopted the draft resolution, as amended. For the final text, see resolution 45/258.[2]

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[1] See *Official Records of the General Assembly, Forty-fifth Session, Supplement No. 49.*

[2] *Ibid., Supplement No. 49A.*

LIST OF OTHER DOCUMENTS PERTAINING TO THE ITEM

Symbol	*Title or description*	*Observations and references*
A/45/493	Report of the Secretary-General on the support account for peace-keeping operations	
A/45/493/Add.1	Report of the Secretary-General on the feasibility and cost-effectiveness of a reserve stock of equipment and supply items for United Nations peace-keeping activities	
A/45/502	Report of the Secretary-General on the use of civilian personnel in peace-keeping operations	
A/45/582	Report of the Secretary-General on the review of the rates of reimbursement to the Governments of troop-contributing States	
A/45/801	Report of the Advisory Committee on Administrative and Budgetary Questions	
A/C.5/45/L.25	Draft resolution	See A/45/903, paras. 4 and 8

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Agenda item 135

ANNEXES

FORTY-FIFTH SESSION

NEW YORK, 1990/1991

Agenda item 135: Observer status of national liberation movements recognized by the Organization of African Unity and/or by the League of Arab States*

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DOCUMENT A/45/730

Report of the Sixth Committee

[*Original: English*]
[*21 November 1990*]

1. The item entitled "Observer status of national liberation movements recognized by the Organization of African Unity and/or by the League of Arab States" was included in the provisional agenda of the forty-fifth session of the General Assembly pursuant to Assembly resolution 43/160 B of 9 December 1988.

2. At its 3rd plenary meeting, on 21 September 1990, the General Assembly, on the recommendation of the General Committee, decided to include the item in the agenda of its forty-fifth session, as item 135, and to allocate it to the Sixth Committee for consideration and report.

3. For its consideration of the item, the Sixth Committee had before it a report (A/45/438) submitted by the Secretary-General pursuant to paragraph 3 of resolution 43/160 B, containing information and comments received from Member States.

4. The Committee considered the item at its 10th, 43rd and 45th meetings, held between 5 October and 20 November 1990. The summary records of those meetings (A/C.6/45/SR.10, 43 and 45) reflect the views of the representatives who spoke during the consideration of the item.

5. On 14 November 1990, a draft resolution (A/C.6/45/L.12) sponsored by Kuwait, the Libyan Arab Jamahiriya, Somalia and Yemen was circulated. Subsequently, Cuba joined in sponsoring the draft resolution. At the 43rd meeting, the representative of Cuba introduced the draft resolution.

6. At the 45th meeting, the Committee adopted the draft resolution by a recorded vote of 82 to 10, with 24 abstentions (see para. 8 below). The voting was as follows:

In favour: Afghanistan, Albania, Algeria, Argentina, Bahamas, Bahrain, Barbados, Benin, Bolivia, Botswana, Brazil, Burkina Faso, Byelorussian Soviet Socialist Republic, Cameroon, Chile, China, Colombia, Congo, Côte d'Ivoire, Cuba, Cyprus, Djibouti, Ecuador, Egypt, Ethiopia, Ghana, Guinea, Guinea-Bissau, Guyana, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Paraguay, Peru, Philippines, Qatar, Rwanda, Samoa, Saudi Arabia, Senegal, Singapore, Somalia, Suriname, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia.

Against: Belgium, France, Germany, Grenada, Israel, Italy, Luxembourg, Netherlands, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Australia, Austria, Bulgaria, Canada, Czechoslovakia, Denmark, El Salvador, Finland, Greece, Guatemala, Hungary, Iceland, Ireland, Japan, Liechtenstein, New Zealand, Norway, Papua New Guinea, Poland, Portugal, Romania, Spain, Sweden, Turkey.

7. Statements in explanation of vote were made by the representatives of Italy (on behalf of the 12 States members of the European Community), Israel and the United States of America.

Recommendation of the Sixth Committee

8. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

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* For the records of the relevant meetings, see *Official Records of the General Assembly, Forty-fifth Session, Sixth Committee*, 10th, 43rd and 45th meetings, and corrigendum; and *ibid., Plenary Meetings*, 48th meeting. For the prior consideration of the question, see *Official Records of the General Assembly, Forty-third Session, Annexes*, agenda item 126.

OBSERVER STATUS OF NATIONAL LIBERATION MOVEMENTS RECOGNIZED BY THE ORGANIZATION OF AFRICAN UNITY AND/OR BY THE LEAGUE OF ARAB STATES

The General Assembly,

Recalling its resolutions 35/167 of 15 December 1980, 37/104 of 16 December 1982, 39/76 of 13 December 1984, 41/71 of 3 December 1986 and 43/160 B of 9 December 1988,

Recalling also its resolutions 3237 (XXIX) of 22 November 1974 and 3280 (XXIX) of 10 December 1974,

Taking note of the report of the Secretary-General (A/45/438),

Bearing in mind the resolution of the United Nations Conference on the Representation of States in Their Relations with International Organizations relating to the observer status of national liberation movements recognized by the Organization of African Unity and/or by the League of Arab States,[1]

Noting that the Vienna Convention on the Representation of States in Their Relations with International Organizations of a Universal Character, of 14 March 1975,[2] regulates only the representation of States in their relations with international organizations,

Taking into account the current practice of inviting the above-mentioned national liberation movements to participate as observers in the sessions of the General Assembly, specialized agencies and other organizations of the United Nations system and in the work of the conferences held under the auspices of such international organizations,

Convinced that the participation of the national liberation movements referred to above in the work of international organizations helps to strengthen international peace and co-operation,

Desirous of ensuring the effective participation of the above-mentioned national liberation movements as observers in the work of international organizations and of regulating, to that end, their status and the facilities, privileges and immunities necessary for the performance of their functions,

Noting that many States have recognized those national liberation movements and have granted them facilities, privileges and immunities in their countries,

1. *Urges* all States that have not done so, in particular those which are host to international organizations or to conferences convened by, or held under the auspices of, international organizations of a universal character, to consider as soon as possible the question of ratifying, or acceding to, the Vienna Convention on the Representation of States in Their Relations with International Organizations of a Universal Character;

2. *Calls once more upon* the States concerned to accord to the delegations of the national liberation movements recognized by the Organization of African Unity and/or by the League of Arab States and accorded observer status by international organizations, the facilities, privileges and immunities necessary for the performance of their functions, in accordance with the provisions of the Vienna Convention on the Representation of States in Their Relations with International Organizations of a Universal Character;

3. *Requests* the Secretary-General to report to the General Assembly at its forty-seventh session on the implementation of the present resolution.

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[1] See *Official Records of the United Nations Conference on the Representation of States in Their Relations with International Organizations, Vienna, 4 February–14 March 1975*, vol. II (United Nations publication, Sales No. E.75.V.12), document A/CONF.67/15, annex.

[2] *Ibid.*, vol. II, p. 207.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 48th plenary meeting, on 28 November 1990, the General Assembly adopted the draft resolution submitted by the Sixth Committee in its report (A/45/730, para. 8) by a recorded vote of 116 to 9, with 26 abstentions. For the final text, see resolution 45/37.[3]

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[3] See *Official Records of the General Assembly, Forty-fifth Session, Supplement No. 49.*

LIST OF OTHER DOCUMENTS PERTAINING TO THE ITEM

Symbol	*Title or description*	*Observations and references*
A/45/438	Report of the Secretary-General	
A/C.6/45/L.12	Draft resolution	See A/45/730, paras. 5 and 8

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Agenda item 136

ANNEXES

FORTY-FIFTH SESSION

NEW YORK, 1990/1991

Agenda item 136: Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts*

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* For the records of the relevant meetings, see *Official Records of the General Assembly, Forty-fifth Session, Sixth Committee*, 8th, 9th and 44th meetings, and corrigendum; and *ibid., Plenary Meetings*, 48th meeting. For the prior consideration of the question, see *Official Records of the General Assembly, Forty-third Session, Annexes*, agenda item 127.

DOCUMENT A/45/731

Report of the Sixth Committee

[*Original: English*]
[*19 November 1990*]

1. The item entitled "Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts" was included in the provisional agenda of the forty-fifth session of the General Assembly pursuant to paragraph 6 of Assembly resolution 43/161 of 9 December 1988.

2. At its 3rd plenary meeting, on 21 September 1990, the General Assembly, on the recommendation of the General Committee, decided to include the item in the agenda of its forty-fifth session, as item 136, and to allocate it to the Sixth Committee for consideration and report.

3. For its consideration of the item, the Sixth Committee had before it a report of the Secretary-General (A/45/454), submitted pursuant to paragraph 5 of Assembly resolution 43/161.

4. The Committee considered the item at its 8th, 9th and 44th meetings, held between 2 October and 19 November 1990. The summary records of those meetings (A/C.6/45/SR.8, 9 and 44) reflect the views of the representatives who spoke during the consideration of the item.

5. At the 44th meeting, the representative of Norway introduced a draft resolution (A/C.6/45/L.17) sponsored by Austria, Canada, Czechoslovakia, Denmark, Finland, Germany, the Libyan Arab Jamahiriya, the Netherlands, New Zealand, Norway, Romania, Sweden and the Union of Soviet Socialist Republics.

6. At the same meeting, the Committee adopted the draft resolution (see para. 8 below).

7. Statements in explanation of position were made by the representatives of the United States of America and Israel.

Recommendation of the Sixth Committee

8. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

STATUS OF THE PROTOCOLS ADDITIONAL TO THE GENEVA CONVENTIONS OF 1949 AND RELATING TO THE PROTECTION OF VICTIMS OF ARMED CONFLICTS

The General Assembly,

Recalling its resolutions 32/44 of 8 December 1977, 34/51 of 23 November 1979, 37/116 of 16 December 1982, 39/77 of 13 December 1984, 41/72 of 3 December 1986 and 43/161 of 9 December 1988,

Having considered the report of the Secretary-General (A/45/454) on the status of the Protocols[1] Additional to the Geneva Conventions of 1949[2] and relating to the protection of victims of armed conflicts,

Convinced of the continuing value of established humanitarian rules relating to armed conflicts and the need to respect and ensure respect for these rules in all circumstances within the scope of the relevant international instruments pending the earliest possible termination of such conflicts,

Stressing the need for consolidating and implementing the existing body of international humanitarian law and for the universal acceptance of such law,

Mindful of the role of the International Committee of the Red Cross in offering protection to the victims of armed conflicts,

Noting with appreciation the continuing efforts of the International Committee of the Red Cross to promote and to disseminate knowledge of the two additional Protocols,

1. *Appreciates* the virtually universal acceptance of the Geneva Conventions of 1949 and the increasingly wide acceptance of the two additional Protocols of 1977;

2. *Notes*, however, the fact that, in comparison with the Geneva Conventions, the number of States parties to the two additional Protocols is still limited;

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[1] United Nations *Treaty Series*, vol. 1125, Nos. 17512 and 17513.

[2] *Ibid.*, vol. 75, Nos. 970-973.

3. *Appeals* to all States parties to the Geneva Conventions of 1949 that have not yet done so to consider becoming parties also to the additional Protocols at the earliest possible date;

4. *Calls upon* all States becoming Parties to Protocol I to consider making the declaration provided for under article 90 of that Protocol;

5. *Requests* the Secretary-General to submit to the General Assembly at its forty-seventh session a report on the status of the additional Protocols based on information received from Member States;

6. *Decides* to include in the provisional agenda of its forty-seventh session the item entitled "Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conficts".

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 48th plenary meeting, on 28 November 1990, the General Assembly adopted the draft resolution submitted by the Sixth Committee in its report (A/45/731, para. 8). For the final text, see resolution 45/38.[3]

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[3] See *Official Records of the General Assembly, Forty-fifth Session, Supplement No. 49.*

LIST OF OTHER DOCUMENTS PERTAINING TO THE ITEM

Symbol	*Title or description*	*Observations and references*
A/45/454	Report of the Secretary-General	
A/C.6/45/L.17	Draft resolution	See A/45/731, paras. 5 and 8

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Agenda item 137

ANNEXES

FORTY-FIFTH SESSION

NEW YORK, 1990/1991

Agenda item 137: Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives*

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* For the records of the relevant meetings, see *Official Records of the General Assembly, Forty-fifth Session, Sixth Committee*, 5th to 7th and 45th meetings, and corrigendum; and *ibid., Plenary Meetings*, 46th meeting. For the prior consideration of the question, see *Official Records of the General Assembly, Forty-third Session, Annexes*, agenda item 132.

DOCUMENT A/45/732

Report of the Sixth Committee

[*Original: English*]
[*21 November 1990*]

1. The item entitled "Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives" was included in the provisional agenda of the forty-fifth session of the General Assembly pursuant to paragraph 10 of Assembly resolution 43/167 of 9 December 1988.

2. At its 3rd plenary meeting, on 21 September 1990, the General Assembly, on the recommendation of the General Committee, decided to include the item in the agenda of its forty-fifth session, as item 137, and to allocate it to the Sixth Committee for consideration and report.

3. For its consideration of the item, the Sixth Committee had before it a report of the Secretary-General (A/45/455 and Add.1-3), submitted pursuant to paragraph 9 of resolution 43/167, containing the reports and the views presented by States under paragraph 8 of that resolution and paragraphs 9 and 11 of resolution 42/154 of 7 December 1987, as well as information submitted in accordance with paragraph 12 (*a*) of resolution 42/154 and paragraph 9 of resolution 43/167 on the state, as at 15 August 1990, of ratification of and accessions to the Vienna Convention on Diplomatic Relations of 1961,[1] the Vienna Convention on Consular Relations of 1963[2] and the respective optional protocols thereto, as well as the Convention of 1973 on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents.[3] The Committee also had before it a letter dated 27 June 1990 from the representative of Chad to the Secretary-General (A/45/325).

4. The Committee considered the item at its 5th to 7th and 45th meetings, held between 25 September and 20 November 1990. The summary records of those meetings (A/C.6/45/SR.5-7 and 45) reflect the views of representatives who spoke during the consideration of the item.

Consideration of proposals

Draft resolution A/C.6/45/L.15

5. At the 45th meeting, the representative of Finland introduced a draft resolution (A/C.6/45/L.15) entitled "Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives", sponsored by Argentina, Australia, Austria, Botswana, Bulgaria, Czechoslovakia, Denmark, Finland, Germany, Hungary, Iceland, Japan, the Netherlands, New Zealand, Norway, the Philippines, Romania, Sweden, Turkey, the Ukrainian Soviet Socialist Republic and Uruguay.

6. At the same meeting, the Committee adopted the draft resolution by a recorded vote of 120 votes to 1 (see para. 10 below). The voting was as follows:

In favour: Afghanistan, Albania, Algeria, Argentina, Australia, Austria, Bahamas, Bahrain, Barbados, Belgium, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Byelorussian Soviet Socialist Republic, Cameroon, Canada, Central African Republic, Chile, China, Colombia, Congo, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Finland, France, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Luxembourg, Madagascar, Malawi, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique,

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[1] United Nations, *Treaty Series*, vol. 500, No. 7310.

[2] *Ibid.*, vol. 596, No. 8638.

[3] Resolution 3166 (XXVIII), annex.

Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Samoa, Saudi Arabia, Senegal, Singapore, Somalia, Spain, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Iraq.

Abstaining: None.

7. Statements in explanation of vote before the vote were made by the representatives of Italy (on behalf of the 12 States members of the European Community), the United States of America, Canada, Iraq, Yemen, Argentina, Saudi Arabia and Bahrain.

Draft resolution A/C.6/45/L.14

8. At its 45th meeting, the Sixth Committee had before it a draft resolution (A/C.6/45/L.14), entitled "Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives", sponsored by Kuwait, which read as follows:

"*The General Assembly*,

"*Having considered* the report of the Secretary-General (A/45/455 and Add.1-3),

"*Convinced* that respect for the principles and rules of international law governing diplomatic and consular relations is a basic prerequisite for the normal conduct of relations among States and for the fulfilment of the purposes and principles of the Charter of the United Nations,

"*Alarmed* by the repeated acts of violence by Iraq against diplomatic and consular missions and representatives, as well as against representatives to international and intergovernmental organizations and officials of such organizations, which endanger or take innocent lives and seriously impede the normal work of such representatives and officials,

"*Concurring* with Security Council resolutions 664 (1990) of 18 August 1990 and 667 (1990) of 16 September 1990 regarding the closure by Iraq of diplomatic and consular missions in Kuwait and Kuwaiti missions in Iraq and the revoking of the immunity and privileges of these missions and their staff,

"*Considering* that the decision of Iraq to order the closure of diplomatic and consular missions in Kuwait and to withdraw the immunity and privileges of these missions and their personnel is contrary to the Vienna Convention on Diplomatic Relations of 1961,[1] the Vienna Convention on Consular Relations of 1963,[2] relevant decisions of the Security Council and international law,

"1. *Strongly condemns* the acts of aggression against diplomatic and consular missions and representatives in Kuwait and Iraq;

"2. *Demands* that Iraq immediately protect the safety and well-being of diplomatic and consular personnel and premises in Kuwait and in Iraq and take no action to hinder the diplomatic and consular missions in the performance of their functions, including access to their nationals and the protection of their person and interests. This includes the right of free passage of diplomatic and consular personnel travelling from or to the sending State."

9. At the same meeting, the representative of Kuwait withdrew the draft resolution.

Recommendation of the Sixth Committee

10. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

CONSIDERATION OF EFFECTIVE MEASURES TO ENHANCE THE PROTECTION, SECURITY AND SAFETY OF DIPLOMATIC AND CONSULAR MISSIONS AND REPRESENTATIVES

The General Assembly,

Having considered the report of the Secretary-General (*ibid.*),

Conscious of the need to develop and strengthen friendly relations and co-operation among States,

Convinced that respect for the principles and rules of international law governing diplomatic and consular relations is a basic prerequisite for the normal conduct of relations among States and for the fulfilment of the purposes and principles of the Charter of the United Nations,

Alarmed by the repeated acts of violence against diplomatic and consular representatives, as well as against representatives to international intergovernmental organizations and officials of such organizations, which endanger or take innocent lives and seriously impede the normal work of such representatives and officials,

Recalling Security Council resolutions 664 (1990) of 18 August 1990, 667 (1990) of 16 September 1990 and 674 (1990) of 29 October 1990 regarding, *inter alia*, certain recent flagrant violations of international law concerning the protection, security and safety of diplomatic and consular missions and representatives,

Mindful of the universal condemnation of those violations during the debate on the question in the Sixth Committee at the forty-fifth session of the General Assembly (see A/C.6/45/SR.5-7 and 45),

Concerned at the abuse of diplomatic or consular privileges and immunities, particularly if acts of violence are involved,

Emphasizing the duty of States to take all appropriate measures as required by international law, including measures of a preventive nature, and to bring offenders to justice,

Welcoming measures already taken by States to this end in conformity with their international obligations,

Convinced that the role of the United Nations, which includes the reporting procedures established under General Assembly resolution 35/168 of 15 December 1980 and further elaborated in later Assembly resolutions, is important in promoting efforts to enhance the protection, security and safety of diplomatic and consular missions and representatives,

Reaffirming its resolution 43/167 of 9 December 1988,

1. *Takes note* of the report of the Secretary-General;

2. *Strongly condemns* acts of violence against diplomatic and consular missions and representatives, as well

as against missions and representatives to international intergovernmental organizations and officials of such organizations, and emphasizes that such acts can never be justified;

3. *Calls* for the immediate cessation of continuing violations of the protection, security and safety of diplomatic and consular missions and representatives and for respect of the right of free passage of diplomatic and consular personnel coming from or returning to the sending State;

4. *Urges* States to observe, implement and enforce the principles and rules of international law governing diplomatic and consular relations and, in particular, to ensure, in conformity with their international obligations, the protection, security and safety of the missions, representatives and officials mentioned in paragraph 2 above officially present in territories under their jurisdiction, including practical measures to prohibit in their territories illegal activities of persons, groups and organizations that encourage, instigate, organize or engage in the perpetration of acts against the security and safety of such missions, representatives and officials;

5. *Also urges* States to take all necessary measures at the national and international levels to prevent any acts of violence against the missions, representatives and officials mentioned in paragraph 2 above and to bring offenders to justice;

6. *Recommends* that States should co-operate closely through, *inter alia,* contacts between the diplomatic and consular missions and the receiving State, with regard to practical measures designed to enhance the protection, security and safety of diplomatic and consular missions and representatives and with regard to the exchange of information on the circumstances of all serious violations thereof;

7. *Calls upon* States that have not yet done so to consider becoming parties to the instruments relevant to the protection, security and safety of diplomatic and consular missions and representatives;

8. *Also calls upon* States, in cases where a dispute arises in connection with a violation of their international obligations concerning the protection of the missions or the security of the representatives and officials mentioned in paragraph 2 above, to make use of the means for peaceful settlement of disputes, including the good offices of the Secretary-General, and requests the Secretary-General, when he deems it appropriate, to offer his good offices to the States directly concerned;

9. *Requests* all States to report to the Secretary-General in accordance with paragraph 9 of resolution 42/154 of 7 December 1987;

10. *Requests* the Secretary-General to issue a report on the item, in accordance with paragraph 12 of resolution 42/154, containing also an analytical summary of the reports received under paragraph 9 above, on an annual basis, as well as to proceed with his other tasks pursuant to the same resolution;

11. *Decides* to include in the provisional agenda of its forty-seventh session the item entitled "Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives".

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 48th plenary meeting, on 28 November 1990, the General Assembly adopted the draft resolution submitted by the Sixth Committee in its report (A/45/732, para. 10) by a recorded vote of 148 to 1. For the final text, see resolution 45/39.[4]

LIST OF OTHER DOCUMENTS PERTAINING TO THE ITEM

Symbol	*Title or description*	*Observations and references*
A/45/325	Letter dated 27 June 1990 from the representative of Chad to the Secretary-General	
A/45/455 and Add.1-3	Report of the Secretary-General	
A/C.6/45/L.14	Draft resolution	See A/45/732, para. 8
A/C.6/45/L.15	*Idem*	*Ibid.*, paras. 5 and 10

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[4] See *Official Records of the General Assembly, Forty-fifth Session, Supplement No. 49.*

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GENERAL ASSEMBLY

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Agenda item 138

ANNEXES

FORTY-FIFTH SESSION

NEW YORK, 1990/1991

Agenda item 138: United Nations Decade of International Law*

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DOCUMENT A/45/733

Report of the Sixth Committee

[*Original: English*]
[*21 November 1990*]

1. The item entitled "United Nations Decade of International Law" was included in the provisional agenda of the forty-fifth session of the General Assembly pursuant to paragraph 5 of Assembly resolution 44/23 of 17 November 1989.

2. At its 3rd plenary meeting, on 21 September 1990, the General Assembly, on the recommendation of the General Committee, decided to include the item in the agenda of its forty-fifth session, as item 138, and to allocate it to the Sixth Committee for consideration and report.

3. For its consideration of the item, the Sixth Committee had before it a report of the Secretary-General (A/45/430 and Corr.1 and Add.1-3), submitted pursuant to paragraph 3 of resolution 44/23.

4. The Committee also had before it a note verbale dated 23 October 1990 from the representative of Italy to the Secretary-General (A/45/666).

5. In paragraph 4 of its resolution 44/23, the General Assembly had decided to consider the question of the programme for the United Nations Decade of International Law and of appropriate action to be taken during the Decade, at its forty-fifth session, in a working group of the Sixth Committee, with a view to preparing generally acceptable recommendations for the Decade. At its 6th meeting, on 26 September 1990, the Committee elected Mr. Budislav Vukas (Yugoslavia) as Chairman of the Working Group of the United Nations Decade of International Law for the session.

6. At the 39th meeting, on 13 November 1990, the Chairman of the Working Group introduced the report of the Working Group (A/C.6/45/L.5).

7. The Committee considered the item, as well as the report of the Working Group, as its 39th to 42nd and 44th meetings, held between 13 and 19 November 1990. The summary records of those meetings (A/C.6/45/SR.39-42 and 44) reflect the views of those representatives who spoke during the consideration of the item.

8. At the 44th meeting, the representative of Yugoslavia introduced a draft resolution (A/C.6/45/L.16) sponsored by Afghanistan, Algeria, Argentina, Australia, Austria, Bahrain, Brazil, Bulgaria, Canada, China, Colombia, Cyprus, Czechoslovakia, the Dominican Republic, Egypt, El Salvador, Ethiopia, Ghana, Greece, Hungary, India, Iran (Islamic Republic of), Kenya, the Libyan Arab Jamahiriya, Morocco, Nicaragua, Nigeria, Portugal, Romania, Senegal, Sweden, Thailand, Tunisia, the Union of Soviet Socialist Republics, Venezuela, Viet Nam, Yugoslavia and Zaire, which were joined by Belgium, Benin, Bolivia, Chile, Denmark, Ecuador, Finland, France, Germany, Guinea-Bissau, Guyana, Italy, Japan, Madagascar, Mauritania, Mexico, the Netherlands, Norway, Pakistan, Peru, Poland, Singapore, Spain, the Sudan, the United Kingdom of Great Britain and Northern Ireland, Yemen and Zambia.

9. At the same meeting, the Committee adopted the draft resolution (see para. 10 below).

Recommendation of the Sixth Committee

10. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

UNITED NATIONS DECADE OF
INTERNATIONAL LAW

The General Assembly,

Recalling its resolution 44/23 of 17 November 1989 by which it declared the period 1990-1999 the United Nations Decade of International Law,

Recalling also that the main purposes of the Decade, according to resolution 44/23, should be, *inter alia:*

(*a*) To promote acceptance of and respect for the principles of international law;

(*b*) To promote means and methods for the peaceful settlement of disputes between States, including resort to and full respect for the International Court of Justice;

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* For the records of the relevant meetings, see *Official Records of the General Assembly, Forty-fifth Session, Sixth Committee*, 39th to 42nd and 44th meetings, and corrigendum, and *ibid., Plenary Meetings*, 48th meeting. For the prior consideration of the question, see *Official Records of the General Assembly, Forty-fourth Session, Annexes*, agenda item 149.

(*c*) To encourage the progressive development of international law and its codification;

(*d*) To encourage the teaching, study, dissemination and wider appreciation of international law;

Recalling further that it decided to consider the question of the programme for the Decade and of appropriate action to be taken during the Decade at its forty-fifth session,

Expressing its appreciation for the Secretary-General's report on the United Nations Decade of International Law (A/45/430 and Corr.1 and Add.1-3), submitted pursuant to resolution 44/23,

Noting that the Sixth Committee established the Working Group on the United Nations Decade of International Law with a view to preparing generally acceptable recommendations for the Decade,

Having considered the report of the Sixth Committee submitted to that end (see A/C.6/45/L.5),

1. *Expresses its appreciation* to the Sixth Committee for the elaboration, within the framework of its Working Group, of the programme for the activities to be commenced during the first term (1990-1992) of the United Nations Decade of International Law and requests the Working Group to continue its work at the forty-sixth session in accordance with its mandate and methods of work;

2. *Adopts* the programme for the activities to be commenced during the first term (1990-1992) of the Decade as an integral part of the present resolution, to which it is annexed;

3. *Expresses its appreciation* to States and international organizations for taking the initiative to sponsor conferences on various subjects of international law;

4. *Invites* all international organizations and institutions referred to in the programme to undertake the relevant activities outlined therein and, as appropriate, to submit to the Secretary-General interim or final reports for transmission to the General Assembly at the forty-sixth session or, at the latest, the forty-seventh session;

5. *Requests* the Secretary-General to submit a progress report to the General Assembly at its forty-sixth session on the implementation of the programme;

6. *Appeals* to States, international organizations and non-governmental organizations working in this field and to the private sector to make financial contributions or contributions in kind for the purpose of facilitating the implementation of the programme;

7. *Requests* the Secretary-General to bring the present resolution to the attention of States and appropriate international bodies, as well as non-governmental organizations working in the field;

8. *Decides* to include in the provisional agenda of its forty-sixth session the item entitled "United Nations Decade of International Law".

ANNEX

Programme for the activities to be commenced during the first term (1990-1992) of the United Nations Decade of International Law

I. Promotion of the acceptance of and respect for the principles of international law

1. The General Assembly, bearing in mind that maintenance of international peace and security is the underlying condition for the success of the implementation of the programme of the United Nations Decade of International Law, calls upon States to act in accordance with international law, and particularly the Charter of the United Nations.

2. States are invited to consider, if they have not yet done so, becoming parties to existing multilateral treaties, in particular those relevant to the progressive development of international law and its codification. International organizations under whose auspices such treaties are concluded are invited to indicate whether they publish periodic reports on the status of ratifications of and accessions to multilateral treaties and, if they do not, to indicate whether in their view such a process would be useful. Consideration should be given to the question of treaties which have not achieved wider participation or entered into force after a considerable lapse of time and the circumstances causing the situation.

3. States and international organizations are encouraged to provide assistance and technical advice to States, in particular to developing countries, to facilitate their participation in the process of multilateral treaty-making including their adherence to and implementation of such multilateral treaties.

4. States are encouraged to report to the Secretary-General on ways and means, as provided for by the multilateral treaties to which they are parties, regarding the implementation of such treaties. The Secretary-General is requested to prepare a report on the basis of this information and to submit it to the General Assembly.

II. Promotion of means and methods for the peaceful settlement of disputes between States, including resort to and full respect for the International Court of Justice

1. The United Nations system of organizations and regional organizations, including the Asian-African Legal Consultative Committee, as well as the International Law Association, the Institute of International Law, the Hispano-Luso-American Institute of International Law and other international institutions working in the field of international law, and national societies of international law, are invited to study the means and methods for the peaceful settlement of disputes between States, including resort to and full respect for the International Court of Justice, and to present suggestions for the promotion thereof to the Sixth Committee.

2. States are invited to make proposals to the Sixth Committee in respect of the promotion of means and methods for the peaceful settlement of disputes between States, including resort to and full respect for the International Court of Justice.

3. The Sixth Committee is requested to consider, taking into account the above-mentioned suggestions and proposals, and, where appropriate, on the basis of a report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, or of the Working Group on the United Nations Decade of International Law, the following questions:

(*a*) Strengthening the use of means and methods for the peaceful settlement of disputes, with particular attention to the role to be played by the United Nations, as well as methods for early identification and prevention of disputes and their containment;

(*b*) Procedures for the peaceful settlement of disputes arising in specific areas of international law;

(*c*) Ways and means of encouraging greater recognition of the role of the International Court of Justice and its wider use in the peaceful settlement of disputes;

(*d*) Enhancement of co-operation of regional organizations with the United Nations system of organizations in respect of the peaceful settlement of disputes.

III. Encouragement of the progressive development of international law and its codification

1. International organizations, including the United Nations system of organizations and regional organizations, are invited to submit to the Secretary-General of the United Nations summary information regarding the programmes and results of their work relevant to the progressive development of international law and its codification, including their suggestions for future work in their specialized field, with an indication of the appropriate forum to undertake such work. Similarly, the Secretary-General is requested to prepare a report on the relevant activities of the United Nations, including those of the International Law Commission. Such information should be presented in a report by the Secretary-General to the Sixth Committee.

2. On the basis of the information mentioned in paragraph 1 of the present section, States are invited to submit suggestions for consideration by the Sixth Committee and, as appropriate, recommendation. In particular, efforts should be made to identify areas of international law which might be ripe for progressive development or codification.

3. The Sixth Committee is requested to study, taking into account General Assembly resolution 684 (VII) of 6 November 1952, its co-ordinating role with respect to, *inter alia*, the drafting of provisions of a legal nature and the consistent use of legal terminology in international instruments adopted by the General Assembly.

4. The Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization is requested to continue studying possible measures to strengthen the United Nations system for the maintenance of international peace and security. States, particularly those that proposed the inclusion of this question in the programme for the Decade, are invited to present draft texts to the Secretary-General or the Special Committee for consideration.

IV. ENCOURAGEMENT OF THE TEACHING, STUDY, DISSEMINATION AND WIDER APPRECIATION OF INTERNATIONAL LAW

1. The Advisory Committee on the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law is requested, in the context of the Decade, to formulate relevant guidelines for the Programme's activities and to report to the Sixth Committee on the activities carried out under the Programme in accordance with such guidelines. Special emphasis should be given to supporting academic and professional institutions already carrying out research and education in international law, as well as to encouraging the establishment of such institutions where they might not exist, particularly in the developing countries. States are encouraged to contribute to the strengthening of the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law.

2. States should encourage their educational institutions to introduce courses in international law for students studying law, political science, social sciences and other relevant disciplines; they should study the possibility of introducing topics of international law in the curricula of schools at the primary and secondary levels. Co-operation between institutions at the university level amongst developing countries, on the one hand, and their co-operation with those of developed countries on the other, should be encouraged.

3. States should consider convening conferences of experts at the national and regional levels in order to study the question of preparing model curricula and materials for courses in international law, training of teachers in international law, preparation of textbooks on international law and the use of modern technology to facilitate the teaching of and research in international law.

4. The United Nations system of organizations, regional organizations and States should consider organizing seminars, symposia, training courses, lectures and meetings and undertaking studies on various aspects of international law. States and regional organizations have already expressed their readiness to undertake such activities on the following subjects: developing countries and international law (China); developing countries and international legislation on the environment (China); law of the sea (Yugoslavia); joint ventures in deep sea-bed mining (Asian-African Legal Consultative Committee); and promotion of the ratification of the United Nations conventions on refugees (Asian-African Legal Consultative Committee).

5. States are encouraged to organize special training in international law for legal professionals, including judges, and personnel of ministries of foreign affairs and other relevant ministries. The United Nations Institute for Training and Research, the United Nations Educational, Scientific and Cultural Organization, the Hague Academy of International Law and regional organizations are invited to co-operate in this respect with States.

6. Co-operation among developing countries, as well as between developed and developing countries, in particular among those persons who are involved in the practice of international law, for exchanging experience and for mutual assistance in the field of international law, including assistance in providing textbooks and manuals of international law, is encouraged.

7. In order to make better known the practice of international law, States, regional and other international organizations should endeavour to publish, if they have not done so, summaries, repertories or yearbooks of their practice.

8. It would be conducive to the teaching and dissemination of international law if all judgments and advisory opinions of the International Court of Justice were available in all official languages of the United Nations. As envisaged in General Assembly resolution 44/28 of 4 December 1989 and bearing in mind the wishes expressed by States, the Sixth Committee will consider, at the forty-sixth session of the Assembly, the Secretary-General's report containing a study of alternative means of making the publications of the International Court of Justice available in all the other official languages in addition to French and English, within the existing overall level of appropriations and in a way which meets the concerns expressed by the Court. Such a study should also consider the possibility, within the existing overall level of appropriations, of compiling and publishing thematic and analytical summaries of the judgments and advisory opinions of the International Court of Justice.

9. Other international courts and tribunals, including the European Court of Human Rights and the Inter-American Court of Human Rights, are invited to disseminate more widely their judgements and advisory opinions, and to consider preparing thematic or analytical summaries thereof.

10. International organizations are requested to publish treaties concluded under their auspices, if they have not yet done so. Timely publication of the United Nations Treaty Series is encouraged and efforts directed towards adopting an electronic form of publication should be continued. Timely publication of the *United Nations Juridical Yearbook* is also encouraged.

V. PROCEDURES AND ORGANIZATIONAL ASPECTS

1. The Sixth Committee, working primarily through its Working Group and with the assistance of the Secretariat, will be the co-ordinating body of the programme for the United Nations Decade of International Law. The question of the use of an intra-sessional or inter-sessional or existing body to carry out specific activities of the programme may be considered by the General Assembly.

2. The Sixth Committee is requested to continue to prepare the programme of activities for the Decade.

3. All organizations and institutions referred to and invited to submit reports to the Secretary-General under sections I to IV above are requested to submit interim or final reports preferably at the forty-sixth session but not later than the forty-seventh session of the General Assembly.

4. States are encouraged to establish, as necessary, national, subregional and regional committees which may assist in the implementation of the programme for the Decade. Non-governmental organizations are encouraged to promote the purposes of the Decade within the fields of their activities, as appropriate.

5. It is recognized that, within the existing overall level of appropriations, adequate financing for the implementation of the programme for the Decade is necessary and should be provided. Voluntary contributions from Governments, international organizations and other sources, including the private sector, would be useful and are strongly encouraged. To this end, the establishment of a trust fund to be administered by the Secretary-General might be considered by the General Assembly.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 48th plenary meeting, on 28 November 1990, the General Assembly adopted the draft resolution submitted by the Sixth Committee in its report (A/45/733, para. 10). For the final text, see resolution 45/40.[1]

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[1] See *Official Records of the General Assembly, Forty-fifth Session, Supplement No. 49*.

LIST OF OTHER DOCUMENTS PERTAINING TO THE ITEM

Symbol	*Title or description*	*Observations and references*
A/45/165-S/21189 and Corr.1	Letter dated 12 March 1990 from the representative of Afghanistan to the Secretary-General	*Official Records of the Security Council, Forty-fifth Year, Supplement for January, February and March 1990*, document S/21189
A/45/430 and Corr.1 and Add.1-3	Report of the Secretary-General	
A/45/666	Note verbale dated 23 October 1990 from the representative of Italy to the Secretary-General transmitting a document containing the conclusions of the Siena Forum on International Law of the Environment, held at Siena, Italy, from 17 to 21 April 1990	
A/C.6/45/L.5	Report of the Working Group on the United Nations Decade of International Law	
A/C.6/45/L.16	Draft resolution	See A/45/733, paras. 8 and 10

United Nations

GENERAL ASSEMBLY

Official Records

Agenda items 139 and 144*

ANNEXES

FORTY-FIFTH SESSION

NEW YORK, 1990/1991

Agenda item 139: Peaceful settlement of disputes between States

Agenda item 144: Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

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* For the records of the relevant meetings, see *Official Records of the General Assembly, Forty-fifth Session, Sixth Committee*, 10th to 17th and 34th meetings, and corrigendum; *ibid., Fifth Committee*, 31st meeting, and corrigendum; and *ibid., Plenary Meetings*, 48th meeting. For the prior consideration of the questions dealt with under these items, see *Official Records of the General Assembly, Forty-fourth Session, Annexes*, agenda items 141 and 146.

DOCUMENT A/45/734

Report of the Sixth Committee on agenda item 139

[*Original: English*]
[*15 November 1990*]

1. The item entitled "Peaceful settlement of disputes between States" was included in the provisional agenda of the forty-fifth session of the General Assembly pursuant to paragraph 5 of Assembly resolution 44/31 of 4 December 1989, to be considered in conjunction with the item entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization".

2. At its 3rd plenary meeting, on 21 September 1990, the General Assembly, on the recommendation of the General Committee, decided to include the item in the agenda of its forty-fifth session, as item 139, and to allocate it to the Sixth Committee for consideration and report.

3. For its consideration of the item, the Sixth Committee had before it section IV of the report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization (A/45/33), as well as the report of the Secretary-General (A/45/436 and Add.1) submitted pursuant to paragraph 4 of General Assembly resolution 44/31.

4. The Sixth Committee also had before it the following documents:

[*See the list of documents at the end of the present fascicle.*]

5. The Committee considered the item at its 10th to 17th and 34th meetings, held between 5 October and 8 November 1990. The summary records of those meetings (A/C.6/45/SR.10-17 and 34) reflect the views of the representatives who spoke during the consideration of the item.

6. At the 34th meeting, a draft decision (A/C.6/45/L.7) proposed by the Chairman of the Sixth Committee was introduced by him to the Committee.

7. At the same meeting, the Committee adopted the draft decision (see para. 8 below).

Recommendation of the Sixth Committee

8. The Sixth Committee recommends to the General Assembly the adoption of the following draft decision:

PEACEFUL SETTLEMENT OF DISPUTES
BETWEEN STATES

The General Assembly, having considered the item entitled "Peaceful settlement of disputes between States" and having taken note of the report of the Secretary-General on the item (A/45/436 and Add.1), decides that the question of the peaceful settlement of disputes between States shall be examined within the framework of the programme for the United Nations Decade of International Law and in the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, as appropriate.

DOCUMENT A/45/739

Report of the Sixth Committee on agenda item 144

[Original: English]
[19 November 1990]

1. The item entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization" was included in the provisional agenda of the forty-fifth session of the General Assembly pursuant to paragraph 9 of Assembly resolution 44/37 of 4 December 1989.

2. At its 3rd plenary meeting, on 21 September 1990, the General Assembly, on the recommendation of the General Committee, decided to include the item in the agenda of its forty-fifth session, as item 144, and to allocate it to the Sixth Committee for consideration and report.

3. For its consideration of the item, the Sixth Committee had before it the report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization (A/45/33), which was introduced by the Chairman of the Special Committee at the 10th meeting of the Sixth Committee, on 5 October 1990.

4. The Sixth Committee also had before it a letter dated 10 October 1990 from the representative of the Union of Soviet Socialist Republics to the Secretary-General (A/45/626-S/21869).

5. The Committee considered the item at its 10th to 17th and 34th meetings, held between 5 October and 8 November 1990. The summary records of those meetings (A/C.6/44/SR.10-17 and 34) reflect the views of the representatives who spoke during the consideration of the item.

6. The Committee considered item 139, entitled "Peaceful settlement of disputes between States", in conjunction with item 144, in accordance with paragraph 5 of General Assembly resolution 44/31 of 4 December 1989.

Consideration of proposals

Draft resolution A/C.6/45/L.3

7. At the 34th meeting, the representative of Egypt introduced a draft resolution (A/C.6/45/L.3) entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization", sponsored by Argentina, Belgium, Bolivia, Bulgaria, Chile, Colombia, Cyprus, Czechoslovakia, Egypt, Germany, Italy, Japan, Romania, Spain, Venezuela and Yugoslavia, which were joined by Afghanistan, Brazil, Ecuador, El Salvador, Mexico, Morocco, New Zealand, Oman, the Philippines and Uruguay.

8. The Committee also had before it a statement by the Secretary-General (A/C.6/45/L.6) on the programme budget implications of the draft resolution.

9. At the same meeting, the Committee adopted the draft resolution by 94 votes to none, with 1 abstention (see para. 15 below, draft resolution I).

10. A statement in explanation of vote before the vote was made by the representative of the Libyan Arab Jamahiriya. Statements in explanation of vote after the vote were made by the representatives of the Union of Soviet Socialist Republics and Ghana.

11. At the same meeting, the Under-Secretary-General for Legal Affairs, the Legal Counsel, made a statement in connection with paragraph 6 of the draft resolution.

Draft resolution A/C.6/45/L.4

12. At the 34th meeting, the representative of France introduced a draft resolution (A/C.6/45/L.4) entitled "Rationalization of existing United Nations procedures", sponsored by France, the Union of Soviet Socialist Republics and the United Kingdom of Great Britain and Northern Ireland.

13. At the same meeting, the Committee adopted the draft resolution by 92 votes to none, with 1 abstention (see para. 15 below, draft resolution II).

14. A statement in explanation of vote before the vote was made by the representative of Cuba.

Recommendation of the Sixth Committee

15. The Sixth Committee recommends to the General Assembly the adoption of draft resolutions I and II below:

Draft resolution I

REPORT OF THE SPECIAL COMMITTEE ON THE CHARTER OF THE UNITED NATIONS AND ON THE STRENGTHENING OF THE ROLE OF THE ORGANIZATION

The General Assembly,

Recalling its resolution 3499 (XXX) of 15 December 1975, by which it established the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, and its relevant resolutions adopted at subsequent sessions,[1]

Bearing in mind the reports of the Secretary-General on the work of the Organization submitted to the General Assembly at its thirty-seventh,[2] thirty-ninth,[3] fortieth,[4] forty-first,[5] forty-second,[6] forty-third,[7] forty-fourth[8] and forty-fifth sessions (A/45/1), as well as the views and comments expressed on them by Member States,

Having considered the report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization on the work of its session held in 1990 (A/45/33),

Expressing its satisfaction at the completion of the work on the draft document on rationalization of existing United Nations procedures (*ibid*., para. 86), adopted by the General Assembly at its present session,[9]

Mindful of the desirability of further work being done by the Special Committee in the field of the peaceful settlement of disputes between States,

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[1] Resolutions 31/28 of 29 November 1976, 32/45 of 8 December 1977, 33/94 of 16 December 1978, 34/147 of 17 December 1979, 35/164 of 15 December 1980, 36/122 of 11 December 1981, 37/114 of 16 December 1982, 38/141 of 19 December 1983, 39/88 of 13 December 1984, 40/78 of 11 December 1985, 41/83 of 3 December 1986, 42/157 of 7 December 1987, 43/170 of 9 December 1988 and 44/37 of 4 December 1989.

[2] *Official Records of the General Assembly, Thirty-seventh Session, Supplement No. 1* (A/37/1).

[3] *Ibid., Thirty-ninth Session, Supplement No. 1* (A/39/1).

[4] *Ibid., Fortieth Session, Supplement No. 1* (A/40/1).

[5] *Ibid., Forty-first Session, Supplement No. 1* (A/41/1).

[6] *Ibid., Forty-second Session, Supplement No. 1* (A/42/1).

[7] *Ibid., Forty-third Session, Supplement No. 1* (A/43/1).

[8] *Ibid., Forty-fourth Session, Supplement No. 1* (A/44/1).

[9] See resolution 45/45.

Noting with appreciation the progress achieved in the elaboration of the draft handbook on the peaceful settlement of disputes between States,

1. *Takes note* of the report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization;

2. *Decides* that the Special Committee will hold its next session from 4 to 22 February 1991;

3. *Requests* the Special Committee, at its session in 1991, in accordance with the provisions of paragraph 4 below:

(*a*) To accord priority to the question of the maintenance of international peace and security in all its aspects in order to strengthen the role of the United Nations and, in this context:

- (i) To endeavour to complete its consideration of the proposal on fact-finding by the United Nations in the field of the maintenance of international peace and security with a view to submitting its conclusions, in an appropriate form, to the General Assembly at its forty-sixth session;
- (ii) To consider the proposals relating to the maintenance of international peace and security that were submitted to the Special Committee during its session in 1990, as well as those which might be submitted to it at its session in 1991;

(*b*) To continue its work on the question of the peaceful settlement of disputes between States and, in this context:

- (i) To consider proposals relating to this question that might be submitted to the Special Committee;
- (ii) To consider the final text of the draft handbook on the peaceful settlement of disputes between States with a view to recommending its publication to the General Assembly at its forty-sixth session;

4. *Also requests* the Special Committee to be mindful of the importance of reaching general agreement whenever that has significance for the outcome of its work;

5. *Decides* that the Special Committee shall accept the participation of observers of Member States in its meetings, including those of its working group;

6. *Requests* the Secretary-General to complete the work on the preparation of the draft handbook on the peaceful settlement of disputes between States, on the basis of the outline elaborated by the Special Committee and in the light of the views expressed in the course of the discussions in the Sixth Committee (see A/C.6/45/SR.10-17 and 34) and in the Special Committee, and to submit it, in its final form, to the Special Committee at its session in 1991;

7. *Requests* the Special Committee to submit a report on its work to the General Assembly at its forty-sixth session;

8. *Decides* to include in the provisional agenda of its forty-sixth session the item entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization".

Draft resolution II

RATIONALIZATION OF EXISTING UNITED NATIONS PROCEDURES

The General Assembly,

Recalling its resolution 44/37 of 4 December 1989,

Having considered the report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization on the work of its session held in 1990 (A/45/33),

Conscious of the need to discharge in the most efficient manner the functions incumbent upon it under the Charter of the United Nations,

1. *Approves* the conclusions of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization as set forth in the annex to the present resolution;

2. *Decides* that the conclusions referred to in paragraph 1 above shall be reproduced as an annex to its rules of procedure.

ANNEX

Conclusions of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization concerning the rationalization of existing United Nations procedures

1. Without prejudice to Article 18 of the Charter of the United Nations and with a view to facilitating the work of the United Nations, including, whenever possible, the adoption by the General Assembly of agreed texts of resolutions and decisions, informal consultations should be carried out with the widest possible participation of Member States.

2. When an electronic voting system is available for recording how votes were cast, a roll-call vote should as far as possible not be requested.

3. Before the end of each session of the General Assembly, the General Committee should, in the light of the experience it has acquired during that session, consider drawing up its observations on the organization of the work of the session, with a view to facilitating the organization of the work of future sessions of the Assembly.

4. The agenda of the General Assembly should be simplified by grouping or merging, to the extent possible, related items and, where it is appropriate for discussion of a particular item, by setting an interval of more than a year between the discussions on it. For this purpose, the Chairman of the Main Committee concerned, or, as appropriate, the President of the Assembly, should undertake consultations with delegations.

5. The General Committee should consider, at the beginning of each session of the General Assembly, recommending that certain Main Committees should meet in sequential order, taking into account such matters as the number of meetings required for the consideration of the questions with which they are charged at that session, the organization of the work of the whole session and the problem of participation of smaller delegations.

6. In making recommendations as to how agenda items should be allocated to the Main Committees and to the plenary Assembly, the General Committee should ensure the best use of the expertise of the Committees.

7. When the General Assembly considers whether it needs to establish subsidiary organs, in accordance with Article 22 of the Charter, it should give careful consideration as to whether the subject-matter in question could be dealt with by existing organs, including its Main Committees and their working groups. Subsidiary organs should seek constantly to improve their procedures and methods of work in order to ensure effective consideration of questions allocated to them by the Assembly.

8. The dates and length of the sessions of bodies of the General Assembly that meet inter-sessionally should be determined as soon as possible by the Assembly, as appropriate, following advice from the Committee on Conferences, on the proposal of the Secretary-General. The Assembly should take account of the past experience, the state of current work in regard to the mandate given to the body in question and the need to avoid as far as possible overlapping meetings of bodies that deal with subject-matter of a similar nature.

9. Informal consultations about the work of bodies of the General Assembly that meet inter-sessionally should continue to be held in advance of the sessions of such bodies in order to facilitate the conduct of their sessions, especially as regards the composition of the bureau and the organization of work.

10. Resolutions should request observations from States or reports by the Secretary-General in so far as they are likely to facilitate the implementation of the resolutions or the continued examination of the question.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 48th plenary meeting, on 28 November 1990, the General Assembly adopted the draft decision submitted by the Sixth Committee in its report on agenda item 139 (A/45/734, para. 8) without a vote. For the final text, see decision 45/412.[10]

At the same meeting, the General Assembly took action on draft resolutions I and II submitted by the Sixth Committee in its report on agenda item 144 (A/45/739, para. 15). Draft resolution I was adopted by 147 votes to none, with 1 abstention;* draft resolution II was adopted by 149 votes to none, with 1 abstention.* For the final texts, see resolutions 45/44 and 45/45.[10]

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* Recorded vote.

[10] See *Official Records of the General Assembly, Forty-fifth Session, Supplement No. 49.*

LIST OF OTHER DOCUMENTS PERTAINING TO THE ITEMS

Symbol	*Title or description*	*Agenda item*	*Observations and references*
A/45/1	Report of the Secretary-General on the work of the Organization	144	*Official Records of the General Assembly, Forty-fifth Session, Supplement No. 1*
A/45/33	Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization	139,144	*Ibid., Supplement No. 33*
A/45/56-S/21021	Letter dated 12 December 1989 from the representative of the Lao People's Democratic Republic to the Secretary-General	139	*Official Records of the Security Council, Forty-fourth Year, Supplement for October, November and December 1989*, document S/21021
A/45/62	Letter dated 18 December 1989 from the representative of Panama to the Secretary-General	139	
A/45/73-S/21065	Letter dated 29 December 1989 from the representative of Oman to the Secretary-General transmitting the text of the Final Communiqué and the Muscat Declaration adopted by the Supreme Council of the Gulf Co-operation Council at its tenth session, held at Muscat from 18 to 21 December 1989	139	
A/45/79-S/21080	Letter dated 15 January 1990 from the representative of Pakistan to the Secretary-General	139	*Ibid., Forty-fifth Year, Supplement for January, February and March 1990*, document S/21080
A/45/88	Letter dated 19 January 1990 from the representative of Albania to the Secretary-General	139	
A/45/111-S/21132	Letter dated 7 February 1990 from the representative of Albania to the Secretary-General	139	*Ibid.*, document S/21132
A/45/124-S/21146	Letter dated 14 February 1990 from the representatives of the Lao People's Democratic Republic and Viet Nam to the Secretary-General	139	*Ibid.*, document S/21146
A/45/139-S/21163	Letter dated 23 February 1990 from the representative of Yugoslavia to the Secretary-General	139	*Ibid.*, document S/21163
A/45/140-S/21164	*Idem*	139	*Ibid.*, document S/21164
A/45/160-S/21182	Letter dated 8 March 1990 from the representative of Oman to the Secretary-General transmitting the text of a press communiqué issued by the Ministerial Council of the Gulf Co-operation Council at its thirty-fourth session, held at Riyadh on 4 and 5 March 1990	139	
A/45/164-S/21187	Letter dated 7 March 1990 from the representatives of Thailand and the Union of Soviet Socialist Republics to the Secretary-General	139	*Ibid.*, document S/21187
A/45/165-S/21189 and Corr.1	Letter dated 12 March 1990 from the representative of Afghanistan to the Secretary-General	139	*Ibid.*, document S/21189
A/45/178	Letter dated 23 March 1990 from the representative of Hungary to the Secretary-General	139	
A/45/184-S/21216	Letter dated 28 March 1990 from the representative of Pakistan to the Secretary-General	139	*Ibid.*, document S/21216
A/34/201-S/21228	Letter dated 4 April 1990 from the representative of Afghanistan to the Secretary-General	139	*Ibid., Supplement for April, May and June 1990*, document S/21228
A/45/310-S/21355	Letter dated 12 June 1990 from the representative of Oman to the Secretary-General transmitting the text of a press communiqué issued by the Ministerial Council of the Gulf Co-operation Council at its thirty-fifth session, held at Taif, Saudi Arabia, on 4 June 1990	139	
A/45/318-S/21370	Letter dated 21 June 1990 from the representative of Afghanistan to the Secretary-General	139	*Ibid.*, document S/21370

Symbol	*Title or description*	*Agenda item*	*Observations and references*
A/45/346-S/21395	Letter dated 13 July 1990 from the representative of Pakistan to the Secretary-General	139	*Ibid., Supplement for July, August and September 1990*, document S/21395
A/45/368-S/21426	Letter dated 2 August 1990 from the representative of Italy to the Secretary-General transmitting the text of a statement by the 12 member States of the European Community on the Iraqi invasion of Kuwait	139	*Ibid.*, document S/21426
A/45/378	Letter dated 2 August 1990 from the representative of Afghanistan to the Secretary-General	139	
A/45/383-S/21444	Letter dated 6 August 1990 from the representative of Italy to the Secretary-General transmitting the text of a statement by the 12 member States of the European Community on the Iraqi invasion of Kuwait	139	*Ibid.*, document S/21444
A/45/409-S/21502	Letter dated 12 August 1990 from the representative of Italy to the Secretary-General transmitting the text of the declaration on the situation in the Gulf issued by the 12 member States of the European Community at the Extraordinary Ministerial Meeting, held at Brussels on 10 August 1990	139	*Ibid.*, document S/21502
A/45/412-S/21515	Letter dated 13 August 1990 from the representative of Hungary to the Secretary-General	139	*Ibid.*, document S/21515
A/45/433-S/21590	Letter dated 22 August 1990 from the representative of Italy to the Secretary-General transmitting the text of the declaration on the situation of the foreigners in Iraq and Kuwait issued by the 12 member States of the European Community at the Extraordinary Ministerial Meeting of European Political Co-operation, held in Paris on 21 August 1990	139	*Ibid.*, document S/21590
A/45/436 and Add.1	Report of the Secretary-General	139	
A/45/439-S/21603	Letter dated 22 August 1990 from the representative of France to the Secretary-General transmitting the text of the final communiqué issued at the ministerial session of the Western European Union held in Paris on 21 August 1990	139	*Ibid.*, document S/21603
A/45/467-S/21673	Letter dated 29 August 1990 from the representative of Japan to the Secretary-General	139	*Ibid.*, document S/21673
A/45/484-S/21721	Letter dated 7 September 1990 from the representative of Italy to the Secretary-General transmitting the text of declarations issued by the 12 member States of the European Community at the Extraordinary Ministerial Meeting of European Political Co-operation, held at Rome on 7 September 1990	139	*Ibid.*, document S/21721
A/45/485-S/21722	Letter dated 7 September 1990 from the representative of Japan to the Secretary-General	139	*Ibid.*, document S/21722
A/45/522-S/21795	Letter dated 19 September 1990 from the representative of Italy to the Secretary-General transmitting the text of a declaration on the crisis in the Gulf issued by the 12 member States of the European Community on 17 September 1990	139	*Ibid.*, document S/21795
A/45/527-S/21801	Letter dated 19 September 1990 from the representative of Pakistan to the Secretary-General	139	*Ibid.*, document S/21801
A/45/597	Letter dated 8 October 1990 from the Ministers for Foreign Affairs of Hungary and the Ukrainian Soviet Socialist Republic to the Secretary-General	139	
A/45/598-S/21854	Letter dated 3 October 1990 from the Minister for Foreign Affairs of the Union of Soviet Socialist Republics and the Secretary of State of the United States of America to the Secretary-General transmitting the text of a joint American-Soviet statement entitled "Responsibility for Peace and Security in the Changing World"	139	
A/45/600-S/21857	Letter dated 9 October 1990 from the representative of Afghanistan to the Secretary-General	139	*Ibid., Supplement for October, November and December 1990*, document S/21857
A/45/626-S/21869	Letter dated 10 October 1990 from the representative of the Union of Soviet Socialist Republics to the Secretary-General	144	*Ibid.*, document S/21869
A/45/657	Letter dated 19 October 1990 from the representatives of Poland and the Ukrainian Soviet Socialist Republic to the Secretary-General	139	
A/45/701	Letter dated 1 November 1990 from the representative of Albania to the Secretary-General transmitting the text of documents issued by the Ministers for Foreign Affairs of the Balkan States at their meeting held at Tirana on 24 and 25 October 1990	139	
A/C.6/45/L.3	Draft resolution	144	See A/45/739, paras. 7 and 15, draft resolution I
A/C.6/45/L.4	*Idem*	144	*Ibid.*, paras. 12 and 15, draft resolution II
A/C.6/45/L.6	Programme budget implications of the draft resolution contained in document A/C.6/45/L.3: note by the Secretary-General	144	
A/C.6/45/L.7	Draft decision	139	See A/45/734, paras. 6 and 8

Symbol	Title or description	Agenda item	Observations and references
	Programme budget implications of draft resolution I submitted by the Sixth Committee in document A/45/739		
A/C.5/45/34	Note by the Secretary-General		
A/45/728	Report of the Fifth Committee		See annex fascicle, agenda item 118

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GENERAL ASSEMBLY

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Agenda items 140 and 142*

ANNEXES

FORTY-FIFTH SESSION

NEW YORK, 1990/1991

Agenda item 140: Draft Code of Crimes against the Peace and Security of Mankind
Agenda item 142: Report of the International Law Commission on the work of its forty-second session

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* For the records of the relevant meetings, see *Official Records of the General Assembly, Forty-fifth Session, Sixth Committee*, 23rd to 39th and 45th meetings, and corrigendum; and *ibid., Plenary Meetings*, 48th meeting. For the prior consideration of the questions dealt with under these items, see *Official Records of the General Assembly, Forty-fourth Session, Annexes*, agenda items 142 and 145.

DOCUMENT A/45/735

Report of the Sixth Committee

[*Original: English*]
[*26 November 1990*]

1. At its 3rd plenary meeting, on 21 September 1990, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its forty-fifth session, as items 140 and 142, respectively, the items entitled "Draft Code of Crimes against the Peace and Security of Mankind" and "Report of the International Law Commission on the work of its forty-second session", and to allocate them to the Sixth Committee for consideration and report.

2. For its consideration of item 140, the Sixth Committee had before it, in addition to chapter II of the report of the International Law Commission on the work of its forty-second session (A/45/10), a report by the Secretary-General (A/45/437) containing replies received from States further to the request contained in paragraph 3 of General Assembly resolution 44/32 of 4 December 1989.

3. For its consideration of item 142, the Committee had before it the report of the International Law Commission (A/45/10) and a note by the Secretary-General containing the text of the draft articles adopted by the Commission on topics considered at its forty-second session (A/45/469).

4. The Committee considered items 140 and 142 at its 23rd to 39th and 45th meetings, held between 29 October and 20 November 1990. The summary records of those meetings (A/C.6/45/SR.23-39 and 45) reflect the views of the representatives who spoke during the consideration of the items.

5. At the 23rd meeting, Mr. Juyong Shi, Chairman of the International Law Commission at its forty-second session, introduced the Commission's report on the work of that session. At the 39th meeting, the Chairman of the Commission made a closing statement.

Consideration of proposals

Draft resolution A/C.6/45/L.13

6. On 15 November 1990, a draft resolution (A/C.6/45/L.13) entitled "Establishment of an international criminal court or other international criminal trial mechanism", sponsored by Antigua and Barbuda, the Bahamas, Barbados, Belize, Costa Rica, Dominica, Grenada, Guyana, Papua New Guinea, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname and Trinidad and Tobago, was circulated under item 140. The draft resolution read as follows:

> "*The General Assembly,*
>
> "*Recalling* its resolution 44/39 of 4 December 1989, entitled 'International criminal responsibility of individuals and entities engaged in illicit trafficking in narcotic drugs across national frontiers and other transnational criminal activities: establishment of an international criminal court with jurisdiction over such crimes',
>
> "*Noting* that the International Law Commission was requested, when considering at its forty-second session the item entitled 'Draft Code of Crimes against the Peace and Security of Mankind', to address the question of establishing an international criminal court or other international criminal trial mechanism with jurisdiction over persons alleged to have committed crimes which may be covered under such a code, including persons engaged in illicit trafficking in narcotic drugs across national frontiers, and to devote particular attention to that question in its report on that session,
>
> "*Reiterating* that there continues to be an urgent need for the establishment of an international criminal court

which will enhance and strengthen the capacity of the international community to deal with all forms of international criminal activity,

"*Recalling* its resolution 44/23 of 17 November 1989, by which it declared the period 1990-1999 as the United Nations Decade of International Law,

"*Noting* that one of the main purposes of the Decade is to encourage the progressive development of international law and its codification,

"*Noting* that the work of the International Law Commission in identifying crimes against the peace and security of mankind continues,

"*Noting also* that this work necessarily involves the Commission in considering a relatively large number of crimes,

"*Convinced* that the establishment of an international criminal court would be an appropriate contribution to the purposes of the Decade and the strengthening of the rule of law in international relations,

"*Noting* that the International Law Commission at its forty-second session considered extensively the question concerning the possible establishment of an international criminal jurisdiction (A/45/10, chap. II, sect. C),

"1. *Expresses its appreciation* to the International Law Commission for its report (A/45/10) and for its in-depth examination of the possible establishment of an international criminal court and other possible international criminal trial mechanism, as well as to the Special Rapporteur on the topic and the Working Group of the Commission for their contribution to this work;

"2. *Invites* the International Law Commission at its forty-third session to continue its work on the establishment of an international criminal court;

"3. *Also invites* the International Law Commission, as it continues to examine various possibilities for the jurisdiction of such a court, to pay particular attention to the possibility of such a court being vested by States with jurisdiction over an agreed set of crimes selected from those crimes now under consideration by the Commission;

"4. *Requests* the Secretary-General to forward to the International Law Commission, for its consideration, the summary records of the debate on the draft Code of Crimes against the Peace and Security of Mankind (A/C.6/45/SR.23-39 and 45);

"5. *Also requests* the Secretary-General to transmit to the International Law Commission the report of the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Havana from 27 August to 7 September 1990,[1] which, *inter alia*, recommended that the International Law Commission should be encouraged to continue to explore the possibility of establishing an international criminal court or some other international criminal trial mechanism with due regard for the sovereignty and the territorial and political integrity of States and the self-determination of peoples;

"6. *Decides* that the question of establishing an international criminal court or other possible international criminal trial mechanism should be considered at its forty-sixth session under the item entitled 'Draft Code of Crimes against the Peace and Security of Mankind', in conjunction with the examination of the report of the International Law Commission on the work of its forty-third session."

7. At the 45th meeting, the draft resolution was withdrawn.

Draft resolution A/C.6/45/L.19

8. At the 45th meeting, the representative of the Netherlands introduced a draft resolution (A/C.6/45/L.19) entitled "Report of the International Law Commission on the work of its forty-second session". The draft resolution was sponsored by Algeria, Australia, Austria, Brazil, Bulgaria, Canada, Chile, Cyprus, Czechoslovakia, Denmark, Egypt, France, Germany, Greece, Hungary, Iceland, India, Ireland, Italy, Jamaica, Japan, Mali, Morocco, the Netherlands, Norway, Peru, Romania, Senegal, Spain, Sweden, Trinidad and Tobago, Turkey, the United Kingdom of Great Britain and Northern Ireland, Venezuela, Viet Nam and Yugoslavia, which were joined by Bahrain, China, Guatemala, Guinea, New Zealand, Nigeria and Zaire, and was submitted under items 140 and 142.

9. At the same meeting, the Committee adopted the draft resolution (see para. 11 below).

10. The representative of the United States of America made a statement in explanation of position.

Recommendation of the Sixth Committee

11. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

REPORT OF THE INTERNATIONAL LAW COMMISSION ON THE WORK OF ITS FORTY-SECOND SESSION

The General Assembly,

Having considered the report of the International Law Commission on the work of its forty-second session (A/45/10),

Emphasizing the need for the progressive development of international law and its codification in order to make it a more effective means of implementing the purposes and principles set forth in the Charter of the United Nations and in the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations[2] and to give increased importance to its role in relations among States,

Noting with appreciation the work of the International Law Commission on the elaboration of the draft Code of Crimes against the Peace and Security of Mankind which could contribute to the strengthening of international peace and security,

Recognizing the importance of referring legal and drafting questions to the Sixth Committee, including topics that might be submitted to the International Law Commission, and of enabling the Sixth Committee and the Commission further to enhance their contributions to the progressive development of international law and its codification,

Recalling the need to keep under review those topics of international law which, given their new or renewed interest for the international community, may be suitable for the progressive development and codification of international law and therefore may be included in the future programme of work of the International Law Commission,

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[1] A/CONF.144/28.

[2] Resolution 2625 (XXV), annex.

Taking note with appreciation of the section of the report of the International Law Commission concerning the question of the possible establishment of an international criminal jurisdiction (*ibid.*, chap. II, sect. C) and noting the debate in the Sixth Committee pertaining to this topic (see A/C.6/45/SR.23-39 and 45),

Considering that experience has demonstrated the usefulness of structuring the debate on the report of the International Law Commission in the Sixth Committee in such a manner that conditions are provided for concentrated attention on each of the main topics dealt with in the report, and that this process is facilitated when the Commission indicates specific issues on which expressions of views by Governments are of particular interest for the continuation of its work,

1. *Takes note* of the report of the International Law Commission on the work of its forty-second session;

2. *Requests* the International Law Commission to continue its work on the topics in its current programme, listed as items 3 to 8 in paragraph 9 of its report, taking into account the comments of Governments, whether in writing or expressed in the General Assembly, with a view to reaching at its forty-third session the goals indicated in paragraphs 537 to 542 of its report;

3. *Invites* the International Law Commission, as it continues its work on the elaboration of the draft Code of Crimes against the Peace and Security of Mankind, to consider further and analyse the issues raised in its report concerning the question of an international criminal jurisdiction, including the possibility of establishing an international criminal court or other international criminal trial mechanism;

4. *Expresses its appreciation* for the efforts of the International Law Commission to improve its procedures and methods of work, and to formulate proposals on its future programme of work;

5. *Requests* the International Law Commission:

(*a*) To consider further its methods of work in all their aspects, bearing in mind that the staggering of the consideration of some topics might contribute, *inter alia,* to a more effective consideration of its report in the Sixth Committee;

(*b*) To pay special attention to indicating in its annual report, for each topic, those specific issues on which expressions of views by Governments, either in the Sixth Committee or in written form, would be of particular interest for the continuation of its work;

6. *Invites* the International Law Commission, when circumstances so warrant, to request a special rapporteur to attend the session of the General Assembly during the discussion of the topic for which that special rapporteur is responsible, and requests the Secretary-General to make the necessary arrangements within existing resources;

7. *Recommends* the continuation of efforts to improve the ways in which the report of the International Law Commission is considered in the Sixth Committee, with a view to providing effective guidance for the Commission in its work;

8. *Decides* that the Sixth Committee, in structuring its debate on the report of the International Law Commission at the forty-sixth session of the General Assembly, should continue to bear in mind the possibility of reserving time for informal exchanges of views on matters relating to the work of the Commission;

9. *Recommends* that the debate on the report of the International Law Commission at the forty-sixth session of the General Assembly commence on 28 October 1991;

10. *Takes note* of the comments of the International Law Commission on the question of the duration of its session, as presented in paragraph 552 of its report, and expresses the view that the requirements of the work for the progressive development of international law and its codification and the magnitude and complexity of the subjects on the agenda of the Commission make it desirable that the usual duration of its sessions be maintained;

11. *Also takes note* of the intention of the International Law Commission, expressed in paragraph 548 of its report, to allow for two weeks of concentrated work in its Drafting Committee at the beginning of the forty-third session of the Commission and requests the Commission to report on the results of that arrangement;

12. *Reaffirms* its previous decisions concerning the increased role of the Codification Division of the Office of Legal Affairs of the Secretariat and those concerning the summary records and other documentation of the International Law Commission;

13. *Urges* Governments and, as appropriate, international organizations to respond in writing as fully and expeditiously as possible to the requests of the International Law Commission for comments, observations and replies to questionnaires and for materials on topics in its programme of work;

14. *Reaffirms its wish* that the International Law Commission continue to enhance its co-operation with intergovernmental legal bodies whose work is of interest for the progressive development of international law and its codification;

15. *Once again expresses the wish* that seminars will continue to be held in conjunction with the sessions of the International Law Commission and that an increasing number of participants from developing countries will be given the opportunity to attend those seminars, appeals to States that can do so to make the voluntary contributions that are urgently needed for the holding of the seminars, and expresses the hope that every effort will continue to be made by the Secretary-General, within existing resources, to provide the seminars with adequate services, including interpretation, as required;

16. *Requests* the Secretary-General to forward to the International Law Commission, for its attention, the records of the debate on the report of the Commission at the forty-fifth session of the General Assembly, together with such written statements as delegations may circulate in conjunction with their oral statements, and to prepare and distribute a topical summary of the debate.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 48th plenary meeting, on 28 November 1990, the General Assembly adopted the draft resolution submitted by the Sixth Committee in its report (A/45/735, para. 11). For the final text, see resolution 45/41.[3]

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[3] See *Official Records of the General Assembly, Forty-fifth Session, Supplement No. 49.*

LIST OF OTHER DOCUMENTS PERTAINING TO THE ITEMS

Symbol	*Title or description*	*Agenda item*	*Observations and references*
A/45/10	Report of the International Law Commission on the work of its forty-second session (1 May–20 July 1990)	140, 142	*Official Records of the General Assembly, Forty-fifth Session, Supplement No. 10*
A/45/437	Report of the Secretary-General	140	
A/45/469	Draft articles adopted by the International Law Commission on topics considered at its forty-second session: note by the Secretary-General	142	
A/C.6/45/L.13	Draft resolution	140	See A/45/735, para. 6
A/C.6/45/L.19	*Idem*	140, 142	*Ibid.*, paras. 8 and 11

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GENERAL ASSEMBLY

Official Records

Agenda item 141

ANNEXES

FORTY-FIFTH SESSION

NEW YORK, 1990/1991

Agenda item 141: Report of the United Nations Commission on International Trade Law on the work of its twenty-third session*

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DOCUMENT A/45/736

Report of the Sixth Committee

[Original: English]
[19 November 1990]

1. The item entitled "Report of the United Nations Commission on International Trade Law on the work of its twenty-third session" was included in the provisional agenda of the forty-fifth session of the General Assembly pursuant to Assembly resolution 44/33 of 4 December 1989.

2. At its 3rd plenary meeting, on 21 September 1990, the General Assembly, on the recommendation of the General Committee, decided to include the item in the agenda of its forty-fifth session, as item 141, and to allocate it to the Sixth Committee for consideration and report.

3. For its consideration of the item, the Sixth Committee had before it the report of the United Nations Commission on International Trade Law on the work of its twenty-third session (A/45/17), which was introduced by the Chairman of the Commission at the 3rd meeting of the Committee, on 24 September 1990.

4. The Committee considered the item at its 3rd to 5th and 43rd meetings, held on 24 and 25 September and 16 November 1990. The summary records of those meetings (A/C.6/45/SR.3-5 and 43) reflect the views of the representatives who spoke during the consideration of the item.

5. At the 43rd meeting, the representative of Austria introduced a draft resolution (A/C.6/45/L.10) sponsored by Argentina, Australia, Austria, Brazil, Byelorussian Soviet Socialist Republic, Chile, Cyprus, Czechoslovakia, Denmark, Egypt, Finland, France, Germany, Greece, Guatemala, Hungary, Italy, Kenya, Lesotho, Libyan Arab Jamahiriya, Morocco, Netherlands, Poland, Spain, Sweden, Turkey, Venezuela and Yugoslavia, which were joined by Bahrain, Canada, Myanmar and Thailand.

6. At the same meeting, the Committee adopted the draft resolution (see para. 7 below).

Recommendation of the Sixth Committee

7. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

REPORT OF THE UNITED NATIONS COMMISSION ON INTERNATIONAL TRADE LAW ON THE WORK OF ITS TWENTY-THIRD SESSION

The General Assembly,

Recalling its resolution 2205 (XXI) of 17 December 1966, by which it created the United Nations Commission on International Trade Law with a mandate to further the progressive harmonization and unification of the law of international trade and in that respect to bear in mind the interests of all peoples, in particular those of developing countries, in the extensive development of international trade, as well as its resolutions 43/166 of 9 December 1988 and 44/33 of 4 December 1989,

Reaffirming its conviction that the progressive harmonization and unification of international trade law, in reducing or removing legal obstacles to the flow of international trade, especially those affecting the developing countries, would significantly contribute to universal economic co-operation among all States on a basis of equality, equity and common interest and to the elimination of discrimination in international trade and, thereby, to the well-being of all peoples,

Having considered the report of the United Nations Commission on International Trade Law on the work of its twenty-third session (A/45/17),

Mindful of the valuable contribution to be rendered by the United Nations Commission on International Trade Law within the framework of the United Nations Decade for

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* For the records of the relevant meetings, see *Official Records of the General Assembly, Forty-fifth Session, Sixth Committee*, 3rd to 5th and 43rd meetings, and corrigendum; and *ibid., Plenary Meetings*, 48th meeting. For the consideration of the report of the Commission on the work of its twenty-second session, see *Official Records of the General Assembly, Forty-fourth Session, Annexes*, agenda item 143.

International Law, particularly as regards the dissemination of international trade law,

1. *Takes note with appreciation* of the report of the United Nations Commission on International Trade Law on the work of its twenty-third session;

2. *Reaffirms* the mandate of the Commission, as the core legal body within the United Nations system in the field of international trade law, to co-ordinate legal activities in this field in order to avoid duplication of effort and to promote efficiency, consistency and coherence in the unification and harmonization of international trade law and, in this connection, recommends that the Commission, through its secretariat, should continue to maintain close co-operation with the other international organs and organizations, including regional organizations, active in the field of international trade law;

3. *Calls upon* the Commission to continue to take account of the relevant provisions of the resolutions concerning the new international economic order, as adopted by the General Assembly at its sixth[1] and seventh[2] special sessions;

4. *Reaffirms* the importance, in particular for developing countries, of the work of the Commission concerned with training and assistance in the field of international trade law and the desirability for it to sponsor seminars and symposia, in particular those organized on a regional basis, to promote such training and assistance;

5. *Requests* the Secretary-General, in consultation with the Commission's secretariat, to prepare a report with a view to analysing possible ways by which assistance could be given to developing countries that are members of the Commission, in particular least developed countries, so that they may attend meetings of the Commission and its working groups, bearing in mind the arrangements that exist for United Nations bodies generally, pursuant to resolution 43/217, section IX, of 21 December 1988, and to submit it to the General Assembly at its forty-sixth session;

6. *Repeats its invitation* to those States that have not yet done so to consider signing, ratifying or acceding to the conventions elaborated under the auspices of the Commission.

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[1] Resolution 3201 (S-VI) and 3202 (S-VI).

[2] Resolution 3362 (S-VII).

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 48th plenary meeting, on 28 November 1990, the General Assembly adopted the draft resolution submitted by the Sixth Committee in its report (A/45/736, para. 7). For the final text, see resolution 45/42.[3]

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[3] See *Official Records of the General Assembly, Forty-fifth Session, Supplement No. 49.*

LIST OF OTHER DOCUMENTS PERTAINING TO THE ITEM

Symbol	*Title or description*	*Observations and references*
A/45/17	Report of the United Nations Commission on International Trade Law on the work of its twenty-third session (25 June–6 July 1990)	*Official Records of the General Assembly, Forty-fifth Session, Supplement No. 17*
A/45/165-S/21189 and Corr.1	Letter dated 12 March 1990 from the representative of Afghanistan to the Secretary-General	*Official Records of the Security Council, Forty-fifth Year, Supplement for January, February and March 1990,* document S/21189
A/C.6/45/L.10	Draft resolution	See A/45/736, paras. 5 and 7

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GENERAL ASSEMBLY

Official Records

Agenda item 143

ANNEXES

FORTY-FIFTH SESSION

NEW YORK, 1990/1991

Agenda item 143: Consideration of the draft articles on the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier and of the draft optional protocols thereto*

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DOCUMENT A/45/738

Report of the Sixth Committee

[*Original: English*]
[*26 November 1990*]

1. At its 3rd plenary meeting, on 21 September 1990, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its forty-fourth session, as item 143, the item entitled "Consideration of the draft articles on the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier and of the draft optional protocols thereto", and to allocate it to the Sixth Committee for consideration and report.

2. For its consideration of the item, the Sixth Committee had before it chapter II of the report of the International Law Commission on the work of its forty-first session,[1] which contained the draft articles adopted by the Commission at that session on the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier, as well as draft Optional Protocol One on the status of the courier and the bag of special missions and draft Optional Protocol Two on the status of the courier and the bag of international organizations of a universal character, also adopted by the Commission at that session.

3. In accordance with paragraph 2 of General Assembly resolution 44/36 of 4 December 1989, informal consultations were held under the chairmanship of the Chairman of the Sixth Committee to study the above-mentioned draft articles and the draft optional protocols thereto, as well as the question of how to deal further with those draft instruments with a view to facilitating the reaching of a generally acceptable decision in the latter respect.

4. The Committee considered the item at its 42nd and 45th meetings, on 15 and 20 November 1990. The summary records of those meetings (A/C.6/45/SR.42 and 45) reflect the views of the representatives who spoke during the consideration of the item.

5. At the 42nd meeting, the Chairman of the Committee orally reported on the results of the informal consultations referred to in paragraph 3 above. At the same meeting, the Committee took note of the oral report of the Chairman.

6. On 12 November 1990, a draft resolution (A/C.6/45/L.8), entitled "Consideration of the draft articles on the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier and of the draft optional protocols thereto", was circulated. The draft resolution, submitted by the Chairman of the Committee, read as follows:

> "*The General Assembly,*
>
> "*Recalling* its resolution 44/36 of 4 December 1989, in which it noted that the International Law Commission, taking into account the written comments of Governments and views expressed in debates in the Assembly, had completed at its forty-first session the second reading of the draft articles on the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier and also had prepared a draft optional protocol on the status of the courier and the bag of special missions and a draft optional protocol on the status of the courier and the bag of international organizations of a universal character,[1]
>
> "*Recalling also* that by paragraph 2 of resolution 44/36 it decided to hold informal consultations at the forty-fifth session of the General Assembly to study the draft articles and the draft optional protocols thereto, as well as the question of how to deal further with those draft instruments with a view to facilitating the reaching of a generally acceptable decision in the latter respect,
>
> "1. *Expresses its satisfaction* at the useful informal consultations which were held during its forty-fifth session, pursuant to paragraph 2 of resolution 44/36, and takes note of the oral report of the Chairman of the Sixth Committee on those consultations (see A/C.6/45/SR.42);
>
> "2. *Decides* that the informal consultations will be resumed at its forty-sixth session to continue the study of

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* For the records of the relevant meetings, see *Official Records of the General Assembly, Forty-fifth Session, Sixth Committee*, 42nd and 45th meetings, and corrigendum; and *ibid., Plenary Meetings*, 48th meeting. For the prior consideration of the question, see *Official Records of the General Assembly, Forty-fourth Session, Annexes*, agenda items 142 and 145.

[1] *Official Records of the General Assembly, Forty-fourth Session, Supplement No. 10* (A/44/10).

the draft articles on the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier and the draft optional protocols thereto, as well as the question of how to deal further with those draft instruments with a view to facilitating the reaching of a generally acceptable decision in the latter respect;

"3. *Also decides* to include in the provisional agenda of its forty-sixth session the item entitled 'Consideration of the draft articles on the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier and of the draft optional protocols thereto'."

7. At the 45th meeting, the Chairman introduced a revised version (A/C.6/45/L.8/Rev.1) of the draft resolution.

8. At the same meeting, the Committee adopted the revised draft resolution (see para. 9 below).

Recommendation of the Sixth Committee

9. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

CONSIDERATION OF THE DRAFT ARTICLES ON THE STATUS OF THE DIPLOMATIC COURIER AND THE DIPLOMATIC BAG NOT ACCOMPANIED BY DIPLOMATIC COURIER AND OF THE DRAFT OPTIONAL PROTOCOLS THERETO

The General Assembly,

Recalling its resolution 44/36 of 4 December 1989, in which it noted that the International Law Commission, taking into account the written comments of Governments and views expressed in debates in the Assembly, had completed at its forty-first session the second reading of the draft articles on the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier and also had prepared a draft optional protocol on the status of the courier and the bag of special missions and a draft optional protocol on the status of the courier and the bag of international organizations of a universal character,[2]

1. *Expresses its satisfaction* at the useful informal consultations that were held during its forty-fifth session pursuant to paragraph 2 of resolution 44/36, to study the draft articles on the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier and the draft optional protocols thereto, as well as the question of how to deal further with those draft instruments with a view to facilitating the reaching of a generally acceptable decision in the latter respect, and takes note of the oral report of the Chairman of the Sixth Committee on those consultations (see A/C.6/45/SR.42);

2. *Decides* that those informal consultations will be resumed at its forty-sixth session;

3. *Also decides* to include in the provisional agenda of its forty-sixth session the item entitled "Consideration of the draft articles on the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier and of the draft optional protocols thereto".

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[2] *Ibid.*, chap. II.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 48th plenary meeting, on 28 November 1990, the General Assembly adopted the draft resolution submitted by the Sixth Committee in its report (A/45/738, para. 9). For the final text, see resolution 45/43.[3]

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[3] See *Official Records of the General Assembly, Forty-fifth Session, Supplement No. 49.*

LIST OF OTHER DOCUMENTS PERTAINING TO THE ITEM

Symbol	*Title or description*	*Observations and references*
A/44/10	Report of the International Law Commission on the work of its forty-first session (2 May–21 July 1989)	*Official Records of the General Assembly, Forty-fourth Session, Supplement No. 10*
A/45/839-S/21994	Letter dated 10 December 1990 from the representative of Pakistan to the Secretary-General	*Official Records of the Security Council, Forty-fifth Year, Supplement for January, February and March 1990,* document S/21994
A/C.6/45/L.8	Draft resolution	See A/45/738, para. 6
A/C.6/45/L.8/Rev.1	Revised draft resolution	*Ibid.*, paras. 7 and 9

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Agenda item 145

ANNEXES

FORTY-FIFTH SESSION

NEW YORK, 1990/1991

Agenda item 145: Report of the Committee on Relations with the Host Country*

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* For the records of the relevant meetings, see *Official Records of the General Assembly, Forty-fifth Session, Sixth Committee*, 44th and 45th meetings, and corrigendum; and *ibid., Plenary Meetings*, 48th meeting. For the prior consideration of the question, see *Official Records of the General Assembly, Forty-fourth Session, Annexes*, agenda item 147.

DOCUMENT A/45/740

Report of the Sixth Committee

[*Original: English*]
[*21 November 1990*]

1. The item entitled "Report of the Committee on Relations with the Host Country" was included in the provisional agenda of the forty-fifth session of the General Assembly pursuant to Assembly resolution 44/38 of 4 December 1989.

2. At its 3rd plenary meeting, on 21 September 1990, the General Assembly, on the recommendation of the General Committee, decided to include the item in the agenda of its forty-fifth session, as item 145, and to allocate it to the Sixth Committee for consideration and report.

3. For its consideration of the item, the Sixth Committee had before it the report of the Committee on Relations with the Host Country (A/45/26).

4. The Committee considered the item at its 44th and 45th meetings, on 19 and 20 November 1990. The summary records of those meetings (A/C.6/45/SR.44 and 45) reflect the views of the representatives who spoke during the consideration of the item.

5. At the 44th meeting, the representative of Cyprus introduced a draft resolution (A/C.6/45/L.18).

6. At the 45th meeting, the Committee adopted the draft resolution (see para. 7 below).

Recommendation of the Sixth Committee

7. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

REPORT OF THE COMMITTEE ON RELATIONS WITH THE HOST COUNTRY

The General Assembly,

Having considered the report of the Committee on Relations with the Host Country (A/45/26),

Recalling Article 105 of the Charter of the United Nations, the Convention on the Privileges and Immunities of the United Nations[1] and the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations[2] and the responsibilities of the host country,

Recognizing that effective measures should continue to be taken by the competent authorities of the host country, in particular to prevent any acts violating the security of missions and the safety of their personnel,

Welcoming the increased interest shown by Member States in participating in the work of the Committee,

1. *Endorses* the recommendations and conclusions of the Committee on Relations with the Host Country contained in paragraph 69 of its report;

2. *Considers* that the maintenance of appropriate conditions for the normal work of the delegations and the missions accredited to the United Nations is in the interests of the United Nations and all Member States, and expresses the hope that the host country will continue to take all measures necessary to prevent any interference with the functioning of missions;

3. *Expresses its appreciation* for the efforts made by the host country and hopes that outstanding problems raised at the meetings of the Committee will be duly resolved in a spirit of co-operation and in accordance with international law;

4. *Urges* the host country, in the light of the consideration by the Committee of travel regulations issued by the host country, to continue to bear in mind its obligations to facilitate the functioning of the United Nations and the missions accredited to it;

5. *Stresses* the importance of a positive perception of the work of the United Nations, and urges that efforts be continued to build up public awareness by explaining, through all available means, the importance of the role played by the

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[1] Resolution 22 A (I).

[2] See resolution 169 (II).

United Nations and the missions accredited to it in the strengthening of international peace and security;

6. *Requests* the Secretary-General to remain actively engaged in all aspects of the relations of the United Nations with the host country;

7. *Requests* the Committee to continue its work, in conformity with General Assembly resolution 2819 (XXVI) of 15 December 1971;

8. *Decides* to include in the provisional agenda of its forty-sixth session the item entitled "Report of the Committee on Relations with the Host Country".

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 48th plenary meeting, on 28 November 1990, the General Assembly adopted the draft resolution submitted by the Sixth Committee in its report (A/45/740, para. 7). For the final text, see resolution 45/46.[3]

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[3] See *Official Records of the General Assembly, Forty-fifth Session, Supplement No. 49.*

LIST OF OTHER DOCUMENTS PERTAINING TO THE ITEM

Symbol	*Title or description*	*Observations and references*
A/45/26	Report of the Committee on Relations with the Host Country	*Official Records of the General Assembly, Forty-fifth Session, Supplement No. 26*
A/45/805	Letter dated 27 November 1990 from the representative of the Permanent Observer Mission of Palestine to the Secretary-General	
A/C.6/45/L.18	Draft resolution	See A/45/740, paras. 5 and 7

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ANNEXES

FORTY-FIFTH SESSION

NEW YORK, 1990/1991

Agenda item 146: Additional protocol on consular functions to the Vienna Convention on Consular Relations*

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* For the records of the relevant meetings, see *Official Records of the General Assembly, Forty-fifth Session, Sixth Committee*, 20th to 22nd and 43rd meetings, and corrigendum; and *ibid., Plenary Meetings*, 48th meeting.

DOCUMENT A/45/141

Austria and Czechoslovakia: request for the inclusion of an item in the provisional agenda of the forty-fifth session

[*Original: English*]
[*4 April 1990*]

LETTER DATED 2 APRIL 1990 TO THE SECRETARY-GENERAL

We have the honour to transmit to you herewith the joint memorandum of the Federal Minister for Foreign Affairs of the Republic of Austria and the Minister for Foreign Affairs of the Czechoslovak Socialist Republic, signed at Prague on 7 March 1990, together with the request, in accordance with rule 13 of the rules of procedure of the General Assembly, for the inclusion in the provisional agenda of the forty-fifth session of the Assembly of an item entitled "Additional protocol on consular functions to the Vienna Convention on Consular Relations."

In accordance with rule 20 of the rules of procedure of the General Assembly, the joint memorandum is annexed hereto as an explanatory memorandum, to which the text of a draft additional protocol is appended.

(*Signed*) Thomas HAJNOCZI
Chargé d'affaires a.i. of Austria
to the United Nations

(*Signed*) Václav MIKULKA
Chargé d'affaires a.i. of Czechoslovakia
to the United Nations

ANNEX

Explanatory memorandum

1. The Vienna Convention on Consular Relations of 24 April 1963[1] is one of the most important international instruments emanating from the work of the International Law Commission. This Convention, however, which has proven its great value over the years since its entry into force, concentrates on consular privileges and immunities and lacks precise rules regarding consular functions. This lacuna is filled by a large number of bilateral consular agreements regulating these functions in greater detail. Such bilateral agreements, useful as they are, cannot be considered as a substitute for a universal convention, as they differ in content and are only in force between certain countries.

An important task of the General Assembly is to initiate studies and to make recommendations for the purpose of encouraging the progressive development of international law and its codification. Czechoslovakia and Austria hold the view that the General Assembly should now address the question of supplementing the provisions of the Vienna Convention on Consular Relations by an additional protocol thereto relating to consular functions.

2. An additional protocol should contain specific rules on consular functions without trying, however, to regulate every detail. Rules of customary international law should continue to govern questions not expressly dealt with by the additional protocol. Such an instrument should focus on the functions of consular officers relating to nationals of the sending State. It might, in particular, deal with the following questions:

(*a*) More specific provisions regarding communication and contact with nationals of the sending State;

(*b*) Issuance of passports, visas and travel documents;

(*c*) Acting as notary and civil registrar;

(*d*) Safeguarding the interests of nationals in cases of succession *mortis causa*, as well as the interests of minors and other persons lacking full capacity;

(*e*) Representing nationals before tribunals and other authorities;

(*f*) Executing letters rogatory or commissions to take evidence;

(*g*) Exercising rights of supervision and inspection in respect of vessels and aircraft.

A draft additional protocol is appended to this memorandum.

3. Czechoslovakia and Austria jointly request the Secretary-General of the United Nations to include in the provisional agenda of the forty-fifth session of the General Assembly an item entitled "Additional protocol on consular functions to the Vienna Convention on Consular Relations".

Done at Prague, on this seventh day of March 1990.

The Minister for
Foreign Affairs of the
Czechoslovak Socialist Republic

The Federal Minister for
Foreign Affairs of the
Republic of Austria

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[1] United Nations, *Treaty Series*, vol. 596, No. 8638.

APPENDIX

Draft Additional Protocol on Consular Functions to the Vienna Convention on Consular Relations

The States Parties to the present Additional Protocol and to the Vienna Convention on Consular Relations adopted by the United Nations Conference on Consular Relations, held at Vienna from 4 March to 22 April 1963, hereinafter referred to as "the Convention",

Expressing their wish to establish more detailed rules between them concerning consular functions,

Affirming that the rules of customary international law should continue to govern questions not expressly regulated by the provisions of the present Additional Protocol,

Have agreed as follows:

Article 1

1. The definitions listed in article 1, paragraph 1, of the Convention shall be applied in the same manner in the present Additional Protocol.

2. The provisions of the present Additional Protocol relating to nationals of the sending State, shall apply, *mutatis mutandis*, to legal persons and partnerships under commercial law which are established in accordance with the laws and regulations of the sending State or which have their head office in that State.

Article 2

In the exercise of the functions referred to in article 5 (*d*) of the Convention, consular officers shall, in particular, have the right:

(*a*) To issue passports and other travel documents to nationals of the sending State and to extend, alter, broaden or revoke them;

(*b*) To issue entry, return and transit visas to persons wishing to travel to the sending State, to leave it or pass in transit through it.

Article 3

1. In the exercise of the functions referred to in article 5 (*f*) of the Convention, consular officers shall, in particular, have the right:

(*a*) To keep a register of the nationals of the sending State who are domiciled or resident in the consular district;

(*b*) In accordance with the laws and regulations of the sending State, to accept applications and declarations, to validate certificates and to issue documents relating to nationality;

(*c*) To register births and deaths of nationals of the sending State; this does not, however, relieve nations of the sending State of their obligation to observe the relevant laws and regulations in force in the receiving State;

(*d*) To authenticate documents issued by the competent authorities of the receiving State and destined for use in the sending State;

(*e*) To authenticate the signature of nationals of the sending State on documents, as well as copies of and extracts from documents;

(*f*) To authenticate the signature of nationals of the receiving State on documents, as well as copies of and extracts from documents destined for the authorities and institutions of public law of the sending State.

2. In so far as required by the laws and regulations of the receiving State, consular officers shall notify the competent authorities of the receiving State of actions taken in accordance with paragraph 1 (*c*) of the present article.

Article 4

Consular officers shall also have the right to draw up or authenticate in notarial form in the receiving State the following legal acts and contracts, provided that they are not contrary to the laws and regulations of the receiving State:

(*a*) Legal acts and contracts between nationals of the sending State, as well as unilateral legal acts of such persons, provided that such legal acts and contracts do not result in the establishment, alteration or abrogation of rights in respect of immovable property situated in the receiving State;

(*b*) Testamentary dispositions of nationals of the sending State or other declarations relating to the estates of such nationals;

(*c*) Legal acts or contracts relating exclusively to property situated in the sending State or to business being conducted in that State, irrespective of the nationality of the parties.

Article 5

1. Consular officers shall have the right:

(*a*) To accept for safekeeping documents, cash, valuables and other articles belonging to nationals of the sending State;

(*b*) To accept from the authorities of the receiving State, for return to their owners, documents, cash, valuables and other articles lost by nationals of the sending State during their sojourn in the receiving State.

2. The articles accepted for safekeeping in accordance with paragraph 1 of the present article may be exported from the receiving State only where such export is not contrary to the laws and regulations of that State.

Article 6

In the exercise of the functions referred to in article 5 (*j*) of the Convention, consular officers may, in particular:

(*a*) Issue extracts and ordinary or certified copies of any document which they have drawn up within the scope of their authority;

(*b*) Translate instruments and documents or certify their translation;

(*c*) Accept and register declarations by nationals of the sending State;

(*d*) Issue certificates indicating the source or origin of goods, as well as other similar certificates;

(*e*) Transmit judicial and extra-judicial documents and execute applications for legal assistance in civil cases, provided that such action is in conformity with valid international agreements or, if such agreements do not exist, provided that it is in accordance with the laws and regulations of the receiving State.

Article 7

In the exercise of the functions referred to in article 5 (*h*) of the Convention, consular officers shall, in particular, have the right to intercede with the authorities of the receiving State for the purpose of protecting the rights and interests of minors or other persons requiring trusteeship, or of absent persons, who are nationals of the sending State. Where the need arises to appoint officially a guardian, trustee or other representative for a national of the sending State, the authorities of the receiving State shall so inform the consular officer. The consular officer shall have the right to submit appropriate proposals in respect of the person to be appointed.

Article 8

If a national of the sending State deceases in the receiving State, the competent authority of the receiving State shall promptly notify the consular officer of the sending State and transmit to him free of charge the death certificate or other document certifying death.

Article 9

The right to represent nationals of the sending State before tribunals and other authorities of the receiving State referred to in article 5 (*i*) of the Convention shall cease to have effect as soon as the persons represented appoint a representative or themselves undertake the defence of their rights.

Article 10

In the exercise of the functions referred to in article 5 (*l*) of the Convention, consular officers shall, in particular, have the right to board a vessel as soon as the vessel has received pratique. From that moment, the master of the vessel and members of the crew may communicate with the consular officer. Consular officers shall also have the right to request assistance from the authorities of the receiving State in all matters relating to vessels of the sending State and members of the crew of such vessels.

Article 11

In the exercise of the functions referred to in article 5 (*i*) and (*k*) of the Convention, consular officers, without prejudice to the powers of the authorities of the receiving State, shall, in particular, have the right:

(*a*) To investigate any incident in connection with a vessel of the sending State occurring during its voyage, in port of anchorage, question the master of the vessel and the members of its crew, examine the vessel's papers, receive information concerning the destination of the vessel, and provide assistance in connection with the vessel's entry into the port or anchorage, its stay in port or anchorage and its departure from port or anchorage;

(*b*) To settle disputes between the master of a vessel of the sending State and the members of the crew, including disputes relating to working conditions, if such settlement is not contrary to the laws of the Contracting States;

(*c*) To make arrangements for the medical treatment or repatriation of the master or any member of the crew of a vessel of the sending State;

(*d*) To receive, draw up or authenticate any declaration or other documents prescribed by the sending State in connection with vessels.

Article 12

1. Where an authority of the receiving State intends to take any coercive measures or institute an investigation on board a vessel of the sending State, the authorities of the receiving State shall so notify the consular officer. Such notification shall be made before the measure is begun, in

order that the consular officer may be present when the measure is carried out. If, in urgent cases, the consular officer cannot be notified and he is not present when the measure is carried out, the authorities of the receiving State shall inform the consular officer of the measures which have been taken.

2. Paragraph 1 of the present article shall also apply if the master or a member of the crew of a vessel of the sending State is taken ashore.

3. The present article shall not apply to customs, passport or sanitary inspection or to actions taken at the request or with the consent of the master of the vessel.

Article 13

1. Where a vessel of the sending State is wrecked, runs aground or is otherwise damaged in the receiving State or where any article which is the property of a national of the sending State, including part of the cargo of a damaged vessel of a third State, is found on or near the coast of the receiving State, the authorities of the receiving State shall promptly notify the consular officer. The authorities of the receiving State shall also inform the consular officer of the measures they have taken for the preservation of human lives on the vessel, the cargo and other property on board and articles belonging to the vessel or forming part of its cargo, which have become separated from the vessel.

2. The consular officer may render every assistance to the damaged vessel referred to in paragraph 1 of the present article, its passengers and members of its crew; for that purpose he may request assistance from the authorities of the receiving State.

3. The consular officer shall have the right to take part in the investigation of the causes of the damage, stranding or shipwreck, provided that such action is not contrary to the laws and regulations of the receiving State.

Article 14

Articles 10 to 13 shall also apply, *mutatis mutandis*, to civil aircraft of the sending State.

Article 15

1. In the implementation of article 36, paragraph 1 (*b*) and (*c*) of the Convention, the competent authorities of the receiving State shall notify the consular post of the sending State promptly, or at the latest within five days, of the preventive detention, arrest or other restriction of the personal freedom of a national of the sending State, if the person concerned does not object to the notification. The measures taken by the consular officer shall also include the right to propose in accordance with the laws and regulations of the receiving State that criminal proceedings shall be conducted in the sending State.

2. The competent authorities of the receiving State shall transmit promptly any communication addressed by the person concerned to the consular officer. The receiving State shall also ensure that letters from the consular officer to detained nationals of the sending State shall be transmitted to the addresses without undue delay.

3. Consular officers shall also have the right to communicate with nationals of the sending State who have been taken into preventive detention or arrested, who are serving a term of imprisonment or who have been subjected to any other form of deprivation of personal freedom, to visit them and speak with them regarding all matters relating to the performance of consular functions in that case, in particular, the protection of the rights and interests of the persons concerned, as well as the circumstances of their detention. Consular officers shall also have the right to assist the persons concerned in appointing a legal representative. The competent authorities of the receiving State must accord the said right to the consular officer, at the latest, one week after the date of preventive detention, arrest or other deprivation of personal freedom and thereafter at appropriate intervals. Without prejudice to his other rights under the Convention and the present Additional Protocol, the consular officer must, however, refrain from intervening in accordance with this paragraph if the person concerned expressly objects to such intervention in the presence of the consular officer and a representative of the competent authorities of the receiving State.

4. The competent authorities of the receiving State must inform the person concerned without delay in an unmistakable and clear manner of his rights arising from paragraphs 1, 2 and 3 of the present article, as well as from article 36, paragraph 1 (*b*) and (*c*) of the Convention.

Article 16

1. The provisions of the present Additional Protocol shall not affect other international agreements in force between States parties to them.

2. Nothing in the present Additional Protocol shall preclude States from concluding international agreements confirming or supplementing or extending or amplifying the provisions thereof.

Article 17

The present Additional Protocol shall be open for signature by all States which are or may become Parties to the Convention, as follows: . . .

Article 18

The present Additional Protocol is subject to ratification. The instrument of ratification shall be deposited with the Secretary-General of the United Nations.

Article 19

The present Additional Protocol shall remain open for accession by all States which are or may become Parties to the Convention. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article 20

1. The present Additional Protocol shall enter into force on the thirtieth day following the date of deposit of the second instrument of ratification or accession to the Additional Protocol with the Secretary-General of the United Nations.

2. For each State ratifying or acceding to the present Additional Protocol after its entry into force in accordance with paragraph 1 of the present article, the Additional Protocol shall enter into force on the thirtieth day after deposit by such State of its instrument of ratification or accession.

Article 21

The Secretary-General of the United Nations shall inform all States that are or may become Parties to the Convention:

(*a*) Of signatures to the Additional Protocol and of the deposit of instruments of ratification or accession, in accordance with articles 17, 18 and 19;

(*b*) Of the date on which the present Additional Protocol will enter into force, in accordance with article 20.

Article 22

The original of the present Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified copies thereof to all States referred to in article 17.

IN WITNESS WHEREOF the undersigned Plenipotentiaries, being duly authorized thereto by their respective Governments, have signed the present Additional Protocol.

DONE at . . . , this . . . day of . . . , one thousand nine hundred and . . .

DOCUMENT A/45/741

Report of the Sixth Committee

[*Original: English*]
[*19 November 1990*]

1. The item entitled "Additional protocol on consular functions to the Vienna Convention on Consular Relations" was included in the provisional agenda of the forty-fifth session of the General Assembly pursuant to a request by Austria and Czechoslovakia.

2. At its 3rd plenary meeting, on 21 September 1990, the General Assembly, on the recommendation of the General Committee, decided to include the item in the agenda of its forty-fifth session, as item 146, and to allocate it to the Sixth Committee for consideration and report.

3. For its consideration of the item, the Sixth Committee had before it a letter dated 2 April 1990 from the representatives of Austria and Czechoslovakia to the Secretary-General (see document A/45/141 above). Annexed to the

letter was an explanatory memorandum to which was appended the text of a draft additional protocol on consular functions to the Vienna Convention on Consular Relations.

4. The Committee considered the item at its 20th to 22nd and 43rd meetings, held between 22 October and 16 November 1990. The summary records of those meetings (A/C.6/45/SR.20-22 and 43) reflect the views of the representatives who spoke during the consideration of the item.

5. At the 43rd meeting, the representative of Austria introduced a draft resolution (A/C.6/45/L.11) sponsored by Austria, Colombia, Cyprus, Czechoslovakia, Madagascar and the United States of America.

6. At the same meeting, the Committee adopted the draft resolution (see para. 7 below).

Recommendation of the Sixth Committee

7. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

ADDITIONAL PROTOCOL ON CONSULAR FUNCTIONS TO THE VIENNA CONVENTION ON CONSULAR FUNCTIONS

The General Assembly,

Recalling that the Vienna Convention on Consular Relations of 24 April 1963[1] sets the basic framework for the exercise of consular functions,

Considering that paragraph 2 of article 73 of the Convention provides that nothing in the Convention shall preclude States from concluding international agreements confirming or supplementing or extending or amplifying the provisions thereof,

Having in mind further development of the international practice in the field of consular functions as a result of an increased co-operation among States,

Realizing that one of the functions of the General Assembly in promoting international co-operation consists in initiating studies and making recommendations for the purpose of encouraging the progressive development of international law and its codification,

Having considered the item entitled "Additional protocol on consular functions to the Vienna Convention on Consular Relations",

1. *Reaffirms its conviction* that the Vienna Convention on Consular Relations has played, for over two decades, and will continue to play an essential role in promoting co-operation and understanding among States, by creating favourable conditions for the activities of consular posts and for the conduct of consular relations;

2. *Takes note with interest* of the proposal concerning the elaboration of an additional protocol on consular functions to the Vienna Convention on Consular Relations (see document A/45/141 above, annex);

3. *Requests* the Secretary-General to seek the views of Member States and of other States parties to the Convention on the proposal and on the procedure to be followed in considering this question, and to submit a report thereon to the General Assembly at its forty-sixth session;

4. *Decides* to include in the provisional agenda of its forty-sixth session the item entitled "Additional protocol on consular functions to the Vienna Convention on Consular Relations".

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 48th plenary meeting, on 28 November 1990, the General Assembly adopted the draft resolution submitted by the Sixth Committee in its report (A/45/741, para. 7). For the final text, see resolution 45/47.[2]

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[2] See *Official Records of the General Assembly, Forty-fifth Session, Supplement No. 49.*

LIST OF OTHER DOCUMENTS PERTAINING TO THE ITEM

Symbol	*Title or description*	*Observations and references*
A/C.6/45/L.11	Draft resolution	See A/45/741, paras. 5 and 7

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FORTY-FIFTH SESSION

NEW YORK, 1990/1991

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* For the records of the relevant meetings, see *Official Records of the General Assembly, Forty-fifth Session, Sixth Committee*, 17th to 19th and 43rd meetings, and corrigendum; and *ibid., Plenary Meetings*, 48th meeting.

DOCUMENT A/45/143*

Guatemala: request for the inclusion of an item in the provisional agenda of the forty-fifth session

[*Original: Spanish*]
[*16 July 1990*]

LETTER DATED 6 JULY 1990 TO THE SECRETARY-GENERAL

I have the honor to request you, in accordance with rule 13 (*e*) of the rules of procedure of the General Assembly, to include in the provisional agenda of the forty-fifth session an item entitled "Conciliation rules of the United Nations".

In accordance with rule 20 of the rules of procedure of the General Assembly, an explanatory memorandum is annexed to this request, together with a draft resolution with two appendices.

Given its essentially legal nature, I consider that this item should be allocated to the Sixth Committee of the General Assembly.

(*Signed*) Francisco VILLAGRÁN DE LEÓN
Ambassador
Permanent Representative of Guatemala to the United Nations

ANNEX I

Explanatory memorandum

1. The Government of Guatemala considers that it is appropriate to facilitate and promote recourse to conciliation as an *ad hoc* means of settling disputes between States. It feels that it would be useful to make general use of the conciliation rules adopted by the Institute of International Law in 1961, which apparently have not yet been accepted as international practice. It also seems to be desirable to add certain other provisions to the body of rules which traditionally govern conciliation between States.

2. For the achievement of these aims, the Government of Guatemala recommends that the General Assembly should extend to the field of international public law the flexible system which it introduced into the field of private law by adopting, in 1980, resolution 35/52. In that resolution, the Assembly recommended the use of the Conciliation Rules of the United Nations Commission on International Trade Law (UNCITRAL).

3. These rules constitute a model set of norms which may be adopted by any party to a commercial dispute following a simple proposal accepted by the other party. The parties may introduce any modifications to the rules to facilitate a settlement by conciliation.

4. The Government of Guatemala considers that the international community can only benefit if the same machinery is applied, *mutatis mutandis*, to relations between States.

5. The addition of this new machinery to the already existing means of peaceful settlement has both formal and substantive advantages.

6. From the formal viewpoint, the existence of a model body of norms which States can adopt through a bilateral agreement incorporating those norms by a simple reference would considerably simplify the elaboration of *ad hoc* conciliation agreements, especially if that set of norms had been endorsed and recommended by the General Assembly.

7. As for the substance, the model norms which the General Assembly would recommend to States would represent a step forward, since they would contain the rules adopted by the Institute of International Law and certain new provisions which, in the opinion of the Guatemalan Government, would make conciliation a more effective instrument for the settlement of disputes. Undoubtedly, the model norms would receive valuable additions suggested by other Member States during the consideration of the item by the General Assembly.

8. In a more specific field, namely, that of the rules of international law codified by the United Nations, the machinery suggested by the Government of Guatemala would help to fill a gap. The Optional Protocol to the Vienna Convention on Diplomatic Relations concerning the Compulsory Settlement of Disputes[1] and the Optional Protocol to the Vienna Convention on Consular Relations concerning the Compulsory Settlement of Disputes[2] make provision for prior recourse to conciliation but give States no indication of how such conciliation is to be conducted (see art. III of each Protocol). This gap could be filled by the model norms.

9. In the present memorandum, the Government of Guatemala proposes specifically that the General Assembly should adopt the attached draft resolution with its two appendices. In view of the comments already made, these texts are self-explanatory. Appendix I contains the text of draft conciliation rules which, for States, would fulfil, *mutatis mutandis*, the same functions the UNCITRAL rules fulfil in the commercial field. Appendix II contains an explanatory commentary on the application of the rules.

10. The draft rules are based not only on the work of the International Law Institute already referred to but also on the main multilateral conventions which have been adopted with regard to conciliation: the Convention

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* Incorporating document A/45/143/Corr.1, dated 30 July 1990.

[1] United Nations, *Treaty Series*, vol. 500, No. 7312.

[2] *Ibid.*, vol. 596, No. 8640.

on the Pacific Settlement of International Disputes of 1907,[3] the General Act (Pacific Settlement of International Disputes) of 1928,[4] the Revised General Act for the Pacific Settlement of International Disputes, adopted by the General Assembly in 1949,[5] the American Treaty on Pacific Settlement (Pact of Bogotá) of 1948,[6] the European Convention for the peaceful settlement of disputes of 1957,[7] the Convention on the settlement of investment disputes between States and nationals of other States of 1965,[8] together with their respective rules of conciliation, and the annexes relating to conciliation of the Vienna Convention on the Law of Treaties[9] and the United Nations Convention on the Law of the Sea.[10] Guatemala has also taken into account the pertinent recommendations made by the Assembly of the League of Nations in 1922 and, of course, the useful work of legal writers who have dealt with the subject of conciliation. As already pointed out, Guatemala has also introduced new provisions. These include some provisions taken from the UNCITRAL rules and others which associate the recommended conciliation procedure and the Secretary-General of the United Nations who, in the opinion of the Guatemalan Government, can provide valuable organizational and administrative assistance to States wishing to settle their disputes by *ad hoc* conciliation agreements. This association of the Secretary-General with the settlement of disputes by conciliation is in line with paragraph 20 of the Declaration on the Prevention and Removal of Disputes and Situations Which May Threaten International Peace and Security and on the Role of the United Nations in this Field, annexed to General Assembly resolution 43/51 of 5 December 1988.

ANNEX II

Draft resolution

APPLICATION OF UNITED NATIONS RULES FOR THE CONCILIATION OF DISPUTES BETWEEN STATES

The General Assembly,

Recognizing the value of conciliation as a method of amicably settling disputes arising in the context of relations between States,

Convinced that the establishment of international rules of conciliation incorporating the results of the most recent scientific studies and experience in the field of international conciliation, together with certain innovations which should be made in the traditional practice in this field, could contribute to the development of harmonious relations between States,

1. *Recommends* the application of the United Nations Rules for the Conciliation of Disputes between States, the text of which constitutes appendix I, in any case where a dispute arises between States which it has not been possible to settle by direct negotiations and which the parties wish to settle by purely amicable means.

2. *Requests* the Secretary-General to take appropriate measures to circulate to all Governments the text of the present resolution, together with those Rules and the explanatory commentary on the application of the Rules.

APPENDIX I

United Nations Rules for the Conciliation of Disputes between States

CHAPTER I

APPLICATION OF THE RULES

Article 1

1. The present Rules apply to the conciliation of disputes between States which it has not been possible to settle by means of negotiation or amicable methods of settlement other than conciliation, whether the disputes are of a legal nature or not. The present Rules do not apply, however, to disputes of a purely legal nature in which no questions of responsibility or reparation arise and in which there is no disagreement as regards the facts.

2. The States applying the present Rules may at any time agree to exclude or amend any of their provisions. The State initiating the conciliation may propose an amended version of the Rules. The State to which the Rules are proposed may do the same.

CHAPTER II

INITIATION OF THE CONCILIATION PROCEEDINGS

Article 2

1. The State which initiates conciliation proceedings in accordance with the present Rules shall send the other State a written invitation stating that a process of conciliation is being conducted in accordance with these rules, and identifying and describing the subject of the dispute. In the invitation, the State initiating the conciliation proceedings shall indicate the amendments it proposes to the Rules, if any, and its choice as regards the number of conciliators. If the conciliation is to be entrusted to a sole conciliator and the dispute involves facts, the invitation shall state whether the conciliator is to have the powers which article 25 of the present Rules confers on conciliation commissions; the invitation shall also indicate the language or languages which are to be used in the conciliation proceedings and also the linguistic or other services which are to be provided to the conciliator or conciliators.

2. For the preparation of the invitation, the State initiating the proceedings may request the assistance and advice of the Secretary-General of the United Nations.

3. The conciliation proceedings shall begin as soon as possible after the State to which the invitation has been sent has accepted it or, if it is not accepted, the States have agreed to apply an amended version of the present Rules.

CHAPTER III

CASES IN WHICH MORE THAN ONE STATE HAS THE SAME INTEREST WITH REGARD TO THE DISPUTE

Article 3

When more than two States are involved in the same dispute, the States which have the same viewpoints and the same interest shall be considered and shall act jointly as a single party.

CHAPTER IV

NUMBER OF CONCILIATORS

Article 4

There may be a sole conciliator, three conciliators or five conciliators. In the two latter cases the conciliators shall form a commission.

CHAPTER V

APPOINTMENT OF CONCILIATORS

Article 5

For the appointment of conciliators the parties shall take into account the system of investigation and conciliation established in accordance with General Assembly resolution 268 D (III) of 28 April 1949 and any other similar system established by a regional body in which both parties participate.

Article 6

If the parties have agreed that a sole conciliator shall be appointed, that conciliator shall be appointed by agreement between them. If such an agreement is not reached within two months, the conciliator shall be appointed by the government of a third State, chosen by agreement between the parties or, if no such agreement is reached within two months, by the President of the International Court of Justice. If the President is a national of one of the parties, the appointment shall be made by the Vice-President or the next Judge of the Court in order of seniority who is not a national of the parties. The conciliator shall not have the nationality of any of the parties, shall not reside habitually in their territory and shall not be in the service of any of them.

Article 7

If the parties have agreed that three conciliators shall be appointed, each one of them shall appoint a conciliator who may be of their own nationality. The parties shall appoint the third conciliator, who may not be of the nationality of any of the parties or of the other conciliators. The third conciliator shall act as chairman of the commission. If he is not appointed within three months of the appointment of the conciliators appointed individually by the parties, the third conciliator shall be appointed by the government of a third State chosen by agreement between the parties or, if such agreement is not obtained within two months, by the President of the International Court of Justice. If the President is a national of one of the Parties, the appointment shall be made by the Vice-President or the next Judge of the Court in order of seniority who is not a national of the parties. The third conciliator shall not reside habitually in the territory of the parties nor shall be in their service.

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[3] See Carnegie Endowment for International Peace, *The Hague Conventions and Declarations of 1899 and 1907* (New York, Oxford University Press, 1915).

[4] League of Nations, *Treaty Series*, vol. XCIII, No. 2123.

[5] United Nations, *Treaty Series*, vol. 71, No. 912.

[6] *Ibid.*, vol. 30, No. 449.

[7] *Ibid.*, vol. 320, No. 4646.

[8] *Ibid.*, vol. 575, No. 8359.

[9] *Official Records of the United Nations Conference on the Law of Treaties* (United Nations publication, Sales No. E.70.V.5), document A/CONF.39/27.

[10] *Official Records of the Third United Nations Conference on the Law of the Sea*, vol. XVII (United Nations publication, Sales No. E.84.V.3), document A/CONF.62/122.

Article 8

1. If the parties have agreed that five conciliators should be appointed, each one of them shall appoint a conciliator who may be chosen from among their nationals. The other three conciliators, one of whom shall be chosen with a view to his acting as chairman, shall be appointed by agreement between the parties from among nationals of third States and shall be of different nationalities. None of them shall habitually reside in the territory of the parties or be in their service. None of them shall have the same nationality as that of the other two conciliators.

2. If the appointment of the conciliators whom the parties are to appoint jointly has not been effected within three months, they shall be appointed by the government of a third State chosen by agreement between the parties or, if such an agreement is not reached within three months, by the President of the International Court of Justice. If the President is a national of one of the parties, the appointment shall be made by the Vice-President or the next Judge of the Court in order of seniority who is not a national of the parties.

Article 9

In the event that a sole conciliator dies, resigns or for any other reason is prevented from continuing to discharge his duties, a successor shall be appointed as soon as possible in the same way as the original conciliator was appointed. The vacancies which may occur in a conciliation commission as a result of death, resignation or any other cause shall be filled as soon as possible by the method established for appointing their replacements.

CHAPTER VI

RULES APPLICABLE TO CONCILIATION BY A SOLE CONCILIATOR

Article 10

The conciliator shall attempt to clarify the issues in dispute and to help the parties reach an agreement. He shall, where that is necessary to achieve this objective or where the dispute relates exclusively to issues of fact, and where he has been given the necessary powers for this purpose, seek to obtain, through investigation or any other means, any information which may be necessary or useful for him. If no settlement is reached during consideration of the dispute, the conciliator shall draw up and communicate to the parties such bases for a solution as he deems appropriate.

Article 11

1. After his appointment, the conciliator shall request each of the parties to submit to him a brief statement, in writing, describing the general nature of the dispute and the points at issue, accompanied by any information or evidence which the party considers necessary or useful. Each party shall send the other a copy of this statement.

2. The conciliator may request any of the parties to submit to him an additional statement, in writing, concerning its original statement and concerning the facts and grounds in support thereof, accompanied by any information or evidence which the party considers necessary or useful.

3. At any stage of the conciliation proceedings, the conciliator may request any of the parties to submit any other documents or information which he considers necessary or useful.

4. No minutes shall be kept of the meetings between the parties or between one of them and the conciliator, nor of the evidence submitted.

Article 12

1. The conciliator shall act in an independent and impartial manner in his efforts to achieve an amicable settlement of the dispute.

2. The conciliator shall be guided by principles of objectivity, fairness and justice, giving consideration to, among other factors, the rights and obligations of the parties and the facts and circumstances of the case.

3. The conciliator may conduct the proceedings in such a manner as he considers appropriate, taking into account the circumstances of the case, the wishes the parties may express, including the desire of any one of them that he should hear oral statements and carry out investigations, and the need for a speedy settlement of the dispute.

4. At any stage of the proceedings, the conciliator may make proposals for a settlement of the dispute.

5. In putting forward proposals, the conciliator shall refrain from presenting any final conclusions with regard to the facts at issue or from ruling formally on issues of law, unless the parties have requested him to do so or, in the case of facts, the dispute is concerned exclusively with those facts.

Article 13

1. The work of the conciliator, including his meetings with the parties, which shall be private, shall be secret. The conciliator and the representatives of the parties shall refrain from divulging any documents or oral statements, or any communication concerning the progress of the proceedings, without the prior approval of both parties.

2. If any indiscretion occurs during the proceedings, the conciliator may determine its possible impact on the continuation of such proceedings.

3. The obligation to respect the secrecy of the proceedings shall remain in effect for the parties and for the conciliator after the proceedings are terminated and, in cases where the conciliator has successfully completed his work, shall even extend to the bases for a solution, unless the parties agree to authorize publication of all or some of the documents. When the conciliator has completed his work, the parties shall agree whether or not to authorize publication of all or some of the documents. Upon termination of the proceedings, the conciliator shall deposit a set of documents with each of the parties. The parties and the conciliator shall preserve the secrecy of the documents.

Article 14

If the parties have so agreed, the sole conciliator shall enjoy the powers granted to conciliation commissions by article 25 of the present Rules.

Article 15

If the dispute involves issues of fact and if the sole conciliator has not been granted the powers conferred on conciliation commissions by article 25 of the present Rules, he may, if in his judgement the lack of these powers has made it impossible for him to clarify the facts, refrain from reaching any conclusion as to the facts and from proposing bases for a solution to the parties. He shall inform the parties of the reasons why he has acted in this manner.

Article 16

The conciliator may, at any time, request the Secretary-General of the United Nations for advice and assistance with regard to the administrative and procedural aspects of his work.

Article 17

Without prejudice to the right of the parties and the conciliator to extend this deadline, the conciliator shall terminate his work within two months from the date on which the proceedings were initiated.

CHAPTER VII

RULES APPLICABLE TO CONCILIATION BY A COMMISSION

FUNDAMENTAL PRINCIPLES

Article 18

The commission shall attempt to clarify the issues in dispute and to help the parties reach an agreement. It shall, where that is necessary to achieve this objective or where the dispute relates exclusively to issues of fact, seek to obtain all necessary information through investigation or other means. If no settlement is reached during consideration of the dispute, the commission shall draw up and communicate to the parties, through its chairman, such bases for a solution as it deems appropriate.

Article 19

The commission shall be guided by principles of objectivity, fairness and justice, giving consideration to, among other things, the rights and obligations of the parties and the facts and circumstances of the case.

PROCEDURES OF THE COMMISSION

Article 20

While adhering to the procedural provisions contained in the present Rules, the commission shall adopt its own procedures which must in all cases give the parties the right to a hearing.

Article 21

Before the commission begins its work, the parties shall designate their representatives and shall communicate the names of such representatives to the chairman of the commission. The chairman shall determine, in agreement with the parties, the place and date of the commission's first meeting, to which the members of the commission and the representatives of the parties shall be convoked.

Article 22

At its first meeting, the commission shall appoint a secretary and shall hear initial statements from the parties. If it decides that the information provided by the parties so permits, the commission shall agree on the method to be used to consider the dispute and, in particular, whether the parties should be invited to submit written allegations and in what order and within what deadlines such allegations must be submitted, as well as the dates when, if this is required, representatives and counsel will be heard. The decisions taken by the commission in this regard may be amended at any later stage of the proceedings.

Article 23

The representatives of the parties may be assisted by counsel and experts appointed by the parties.

Article 24

1. The parties shall facilitate the commission's work and, in particular, shall do everything possible to provide it with whatever documents and information may be relevant.

2. The commission shall accept any request by the parties that persons whose testimony they consider necessary or useful be heard, that experts be consulted or that local investigations be conducted. It may, however, in any case in which it considers it neither necessary nor useful to accept such a request, ask the party making the request to reconsider it.

3. The parties shall use the means available to them to enable the commission to enter their territory and, in accordance with their laws, to convoke and hear witnesses or experts and visit any part of their territory to conduct local investigations. Articles 19 to 29 of the Convention on the Pacific Settlement of International Disputes of 18 October 1907[3] shall apply in such cases.

Article 25

If the commission establishes that the parties disagree on issues of fact, it may, *ex officio*, consult experts, conduct local investigations or question witnesses. In such cases, articles 19 to 29 of the Convention referred to in paragraph 3 of article 24 shall apply.

Article 26

If the commission is unable to reach unanimous agreement, it may take its decisions by a majority of votes of its members without being required to indicate the number of votes. Except in matters of procedure, the presence of all members shall be required in order for a decision to be valid.

Article 27

1. Unless the parties agree otherwise, the commission shall meet at United Nations Headquarters.

2. The commission may, at any time, request the Secretary-General of the United Nations for advice or assistance with regard to the administrative and procedural aspects of its work.

TERMINATION OF THE COMMISSION'S WORK

Article 28

Without prejudice to the right of the parties and the commission to extend this deadline, the commission shall terminate its work within three months from the date of its first meeting if it consists of three members, and within five months of that date if it consists of five members.

Article 29

1. On terminating its consideration of the dispute, the commission shall attempt to define bases for a solution which are likely to be acceptable to the parties, unless the dispute involves issues of fact only. In this connection, the commission may hold an exchange of views with the representatives of the parties, who may be heard jointly or separately.

2. Once the proposed bases for a solution have been drawn up, they shall be communicated by the chairman of the commission to the representatives of the parties, with a request that representatives inform the commission, within a given period, as to whether the parties accept them. The chairman may accompany his communication with a written or oral statement of the reasons which, in the commission's view, might prompt the parties to accept the proposed bases for a solution. The chairman shall refrain in such a statement from presenting any final conclusions with regard to the facts at issue or from ruling formally on issues of law, unless the parties have asked the commission to do so or, in the case of facts, the dispute was concerned exclusively with those facts. In the latter instance, the chairman shall hand over to the parties, once it is complete, a report setting forth the commission's findings in that regard. The proceedings shall be terminated when this report is handed over.

Article 30

If the parties accept the proposed bases for a solution, a document shall be drawn up setting forth the terms of the settlement. The document should be signed by the chairman and the secretary and a copy thus signed shall be provided to each party.

Article 31

If one of the parties does not accept the bases for a solution and the commission agrees that further efforts to reach agreement on different bases are not justified, a document shall be drawn up as stipulated above, but omitting the proposed bases and indicating that the parties were unable to accept them.

SECRECY OF THE COMMISSION'S WORK

Article 32

1. The commission's meetings shall be closed. Members of the commission and representatives shall refrain from divulging any documents or oral statements, or any communication concerning the progress of the proceedings, without the prior approval of both representatives.

2. If any indiscretion occurs during the proceedings, the commission may determine its possible impact on the continuation of such proceedings.

Article 33

No statement or communication made by the representatives of the parties or the members of the commission concerning the substance of the dispute shall be reflected in the minutes of meetings without the authorization of the representative or the commission member who made the statement or communication. On the other hand, written or oral reports by experts, reports on local investigations and statements by witnesses shall be annexed to the minutes of meetings unless the commission agrees otherwise in a specific case.

Article 34

Certified copies of the minutes of meetings and copies of the annexes thereto shall be provided to representatives through the secretary of the commission unless the commission agrees otherwise in a specific case.

Article 35

Except with regard to evidence drawn from reports of experts, local investigations or the questioning of witnesses, copies of the records of which must be provided to representatives, the obligation to respect the secrecy of the proceedings and of the deliberations shall remain in effect for the parties and for members of the commission after the proceedings are terminated and, in cases where the commission has successfully completed its conciliation work, shall even extend to the bases for the solution unless the parties agree to authorize publication of all or some of the documents. When the commission has completed its work, the parties shall agree whether or not to authorize publication of all or some of the documents. The commission may make recommendations to the parties in this connection.

Article 36

Upon termination of the proceedings, the chairman of the commission shall deposit the documents in the archives of a government or an international organization chosen by the parties, which may be the secretariat of the Permanent Court of Arbitration. Within the limits indicated above, the depositary authority shall preserve the secrecy of the archives.

CHAPTER VIII

RULES APPLICABLE TO ALL CONCILIATION PROCEEDINGS CONDUCTED IN ACCORDANCE WITH THE PRESENT RULES

Article 37

No admission or proposal made or view expressed during the conciliation proceedings by one of the parties, the commission, a member of the commission or the sole conciliator, as the case may be, shall be considered likely to prejudge or in any way affect the rights or claims of any of the parties should the proceedings fail. Likewise, a party's acceptance of a proposed solution in no way implies acceptance by that party of the arguments of law or of fact on which the terms of the proposal may be based.

Article 38

Any of the parties to conciliation proceedings governed by the present Rules may provide the sole conciliator or the commission, as the case may be, with information on facts relating to the dispute, on the understanding that such information must be kept strictly confidential. The sole conciliator or the commission, as the case may be, shall not disclose such information to the other party or in any way reveal its existence either during or after the proceedings. If information is provided in writing, it shall be destroyed by the sole conciliator or the commission, as the case may be, when the proceedings are terminated.

Article 39

The parties undertake that no conciliator who takes part in proceedings conducted in conformity with these rules shall act as an arbitrator or as a representative or counsel of a party in any arbitral or judicial proceedings in respect of the dispute that was the subject of the conciliation proceedings. The parties also undertake not to present the conciliator as a witness or expert in any such proceedings.

Article 40

Each party may at any moment, at his own initiative or at the initiative of the sole conciliator or the commission, as the case may be, make suggestions for the settlement of the dispute.

Article 41

Neither of the parties shall initiate, during the conciliation proceedings, any arbitral or judicial proceedings in respect of the dispute which is the subject of the conciliation proceedings. Each party may, however, initiate arbitral or judicial proceedings where, in its opinion, such proceedings are necessary for preserving its rights.

Article 42

At any stage of the conciliation proceedings, the sole conciliator or the commission, as the case may be, may recommend any provisional measure which should be taken to preserve the corresponding rights of a party.

Article 43

At any stage of the proceedings, the sole conciliator or the commission, as the case may be, may draw the attention of the parties to any measures which might facilitate an amicable settlement.

Article 44

The parties undertake to refrain from any measure which might have an adverse effect on the bases for a solution proposed by the sole conciliator or the commission, as the case may be, and in general to refrain from any action which might aggravate or exacerbate the dispute.

Article 45

The sole conciliator or, if the conciliation proceedings are conducted by commission, each member of the commission shall receive emoluments in an amount and on terms agreed by the parties who may, if they so wish, request the opinion of the Secretary-General of the United Nations on this matter. The emoluments and the terms of their payment must be fixed before the conciliators are appointed and be communicated to them before they take up office. The same rules apply to the emoluments of the secretary of the commission and any staff it recruits.

Article 46

The costs of the conciliation proceedings, including those occasioned by any investigations agreed upon by the commission or the conciliator, as the case may be, shall be borne by the parties, each contributing half of the total.

Article 47

The conclusions and proposals of the sole conciliator or the commission, as the case may be, shall in no way be binding on the parties with regard both to statements of fact and issues of law. They shall be simply recommendations submitted to the parties for consideration in order to facilitate an amicable settlement of the dispute.

APPENDIX II

Explanatory commentary on the application of the United Nations Rules for the Conciliation of Disputes between States

1. The United Nations Rules for the Conciliation of Disputes between States, contained in appendix I, are a model set of norms which States between whom a dispute has arisen can adopt either through a bilateral agreement simply referring to the Rules, if they wish to apply them without amendment, or otherwise through a bilateral agreement adopting an amended version of the Rules. The Rules are sufficiently broad to serve as a basis for conciliation proceedings without it being necessary to incorporate additional norms in them.

2. It is possible that States wishing to set up an *ad hoc* conciliation mechanism to assist them in settling a dispute between them may be parties to a bilateral or multilateral convention which requires them to resort to conciliation to settle disputes arising between them.

3. If the convention is bilateral, there is of course nothing to prevent the States from using the Rules instead of the convention, without amending the Rules, if the convention provides for *ad hoc* conciliation, in other words, if there is no pre-established conciliation body. If such a body does exist, they could, if they prefer to apply the Rules rather than the convention establishing such a body, apply the Rules with the necessary amendments so that the pre-established commission can handle the dispute.

4. If the pre-existing convention is multilateral, the States may act as indicated in paragraph 3 above, but taking into account the relevant provisions of the Vienna Convention on the Law of Treaties, article 41 of which requires them to inform other States parties to the convention in question that they have amended it in the light of their decision to apply the Rules instead of the conciliation provisions in that convention.

5. If, as is the case with the Optional Protocol to the Vienna Convention on Diplomatic Relations concerning the Compulsory Settlement of Disputes[1] and the Optional Protocol to the Vienna Convention on Consular Relations concerning the Compulsory Settlement of Disputes[2] (see art. III, para. 2, of each Protocol), the multilateral convention provides for conciliation but gives no indication of how it is to be conducted, there is obviously nothing to prevent the Rules from being applied, thereby filling a gap, by making the necessary amendments to them so that the conciliation proceedings are in line with the provisions of the convention in this regard.

6. If the dispute prompting recourse to the Rules comes within the terms of a clause of a bilateral or multilateral convention requiring the parties to resort to arbitration or to the International Court of Justice, or if the latter has competence to hear the dispute by virtue of declarations made under Article 36, paragraph 2, of its Statute, States may normally agree that the dispute will none the less first be referred to conciliation on the basis of the rules, and that recourse to arbitration or to the Court will be required only if such conciliation proceedings fail.

7. The provisions of article 41 of the Rules are relevant to the comments in paragraph 6 above.

8. Disputes between States, just as any other disputes, vary considerably in complexity and seriousness. As a result, while international practice in the area of conciliation has so far shown a preference for five-member commissions, it was thought that for minor disputes States might appoint a sole conciliator if the dispute is relatively unimportant and straightforward, or a commission of only three members if the dispute is more serious but not major. The five-member commission which the Rules also envisage would be reserved for major disputes. This is also the rationale for the essentially oral proceedings which the Rules envisage as the task of the sole conciliator, making it simpler than that of the commissions, and for the fact that, unlike the commissions, the sole conciliator has independent powers of investigation only if the parties have conferred such powers on him.

DOCUMENT A/45/742

Report of the Sixth Committee

[*Original: English*]
[*20 November 1990*]

1. The item entitled "Conciliation rules of the United Nations" was included in the provisional agenda of the forty-fifth session of the General Assembly at the request of Guatemala.

2. At its 3rd plenary meeting, on 21 September 1990, the General Assembly, on the recommendation of the General Committee, decided to include the item in the agenda of its forty-fifth session, as item 147, and to allocate it to the Sixth Committee for consideration and report.

3. For its consideration of the item, the Sixth Committee had before it a letter dated 16 July 1990 from the representative of Guatemala to the Secretary-General (see document

A/45/143 above) to which an explanatory memorandum was attached in accordance with rule 20 of the rules of procedure of the General Assembly.

4. The Committee considered the item at its 17th to 19th and 43rd meetings, held between 17 October and 16 November 1990. The summary records of those meetings (A/C.6/45/SR.17-19 and 43) reflect the views of the representatives who spoke during the consideration of the item.

5. At the 17th meeting, the representative of Guatemala made a statement with specific reference to document A/45/143 above. At the same meeting, he introduced a draft resolution (A/C.6/45/L.2) entitled "United Nations rules for the conciliation of disputes between States", which was a revised version of the draft resolution contained in annex II to document A/45/143. Draft resolution A/C.6/45/L.2 read as follows:

"*The General Assembly*,

"*Recognizing* the value of conciliation as a method of amicably settling disputes arising in the context of relations between States,

"*Convinced* that the establishment of international rules of conciliation incorporating the results of the most recent scientific studies and experience in the field of international conciliation, together with certain innovations which should be made in the traditional practice in this field, could contribute to the development of harmonious relations between States,

"1. *Recommends* the application of the United Nations rules for the conciliation of disputes between States, the text of which is contained in annex I to the present resolution, in any case where a dispute arises between States which it has not been possible to settle by direct negotiations and which the parties wish to settle by purely amicable means;

"2. *Requests* the Secretary-General to take appropriate measures to circulate to all Governments the text of the present resolution, together with those rules and the explanatory commentary on their application contained in annex II to the present resolution.

"ANNEX I

"United Nations Rules for the Conciliation of Disputes between States

"CHAPTER I

"APPLICATION OF THE RULES

"*Article 1*

"1. The present Rules apply to the conciliation of disputes between States which it has not been possible to settle by means of negotiation or amicable methods of settlement other than conciliation, whether the disputes are of a legal nature or not. The present Rules do not apply, however, to disputes of a purely legal nature in which no questions of responsibility or reparation arise and in which there is no disagreement as regards the facts.

"2. The States applying the present Rules may at any time agree to exclude or amend any of their provisions. The State initiating the conciliation may propose an amended version of the Rules. The State to which the Rules are proposed may do the same.

"CHAPTER II

"INITIATION OF THE CONCILIATION PROCEEDINGS

"*Article 2*

"1. The State which initiates conciliation proceedings in accordance with the present Rules shall send the other State a written invitation to conduct a process of conciliation in accordance with these Rules, identifying and describing the subject of the dispute. In the invitation, the State initiating the conciliation proceedings shall indicate the amendments it proposes to the Rules, if any, and its choice as regards the number of conciliators. The invitation shall also indicate the language or languages which are to be used in the conciliation proceedings and also the linguistic or other services which the conciliator or conciliators may need.

"2. For the preparation of the invitation, the State initiating the proceedings may request the assistance and advice of the Secretary-General of the United Nations.

"3. The conciliation proceedings shall begin as soon as possible after the State to which the invitation has been sent has accepted it or, if it is not accepted, the States have agreed to apply an amended version of the Rules.

"4. If the States cannot reach agreement on the definition of the dispute, they may jointly request the assistance of the Secretary-General of the United Nations to resolve the difficulty.

"CHAPTER III

"CASES IN WHICH MORE THAN ONE STATE HAS THE SAME INTEREST WITH REGARD TO THE DISPUTE

"*Article 3*

"When more than two States are involved in the same dispute, the States which have the same viewpoints and the same interest shall be considered and shall act jointly as a single party.

"CHAPTER IV

"NUMBER OF CONCILIATORS

"*Article 4*

"There may be a sole conciliator, three conciliators or five conciliators. In the two latter cases the conciliators shall form a commission.

"CHAPTER V

"APPOINTMENT OF CONCILIATORS

"*Article 5*

"For the appointment of conciliators the parties shall take into account the system of investigation and conciliation envisaged in General Assembly resolution 268 D (III) of 28 April 1949 and any other similar system established by a regional body in which both parties participate. If the dispute involves issues of fact only, they shall take into account the system envisaged in General Assembly resolution 2329 (XXII) of 18 December 1967.

"*Article 6*

"If the parties have agreed that a sole conciliator shall be appointed, that conciliator shall be appointed by agreement between them. If such an agreement is not reached within two months, the conciliator shall be appointed by the government of a third State, chosen by agreement between the parties or, if no such agreement is reached within two months, by the President of the International Court of Justice. If the President is a national of one of the parties, the appointment shall be made by the Vice-President or the next Judge of the Court in order of seniority who is not a national of the parties. The conciliator shall not have the nationality of any of the parties, shall not reside or have resided habitually in their territory and shall not be or have been in the service of any of them.

"*Article 7*

"If the parties have agreed that three conciliators shall be appointed, each one of them shall appoint a conciliator who may be of its own nationality. The parties shall appoint by mutual agreement the third conciliator, who may not be of the nationality of any of the parties or of the other conciliators. The third conciliator shall act as chairman of the commission. If he is not appointed within two months of the appointment of the conciliators appointed individually by the parties, the third conciliator shall be appointed by the government of a third State chosen by agreement between the parties or, if such agreement is not obtained within two months, by the President of the International Court of Justice. If the President is a national of one of the Parties, the appointment shall be made by the Vice-President or the next Judge of the Court in order of seniority who is not a national of the parties. The third conciliator shall not reside or shall not have resided habitually in the territory of the parties nor shall be or have been in their service.

“*Article 8*

“1. If the parties have agreed that five conciliators should be appointed, each one of them shall appoint a conciliator who may be chosen from among its nationals. The other three conciliators, one of whom shall be chosen with a view to his acting as chairman, shall be appointed by agreement between the parties from among nationals of third States and shall be of different nationalities. None of them shall reside or shall have resided habitually in the territory of the parties or shall be or shall have been in their service. None of them shall have the same nationality as that of the other two conciliators.

“2. If the appointment of the conciliators whom the parties are to appoint jointly has not been effected within three months, they shall be appointed by the government of a third State chosen by agreement between the parties or, if such an agreement is not reached within three months, by the President of the International Court of Justice. If the President is a national of one of the parties, the appointment shall be made by the Vice-President or the next Judge of the Court in order of seniority who is not a national of the parties. The Government or member of the International Court of Justice making the appointment shall also decide which of the three conciliators shall act as chairman.

“3. If, at the end of the three-month period referred to in paragraph 2 of the present article, the parties have been able to appoint only one or two conciliators, the two conciliators or the conciliator still required shall be appointed in the manner described in the preceding paragraph. If the parties have not agreed that the conciliator or one of the two conciliators whom they have appointed shall act as chairman, the Government or member of the International Court of Justice appointing the two conciliators or the conciliator still required shall also decide which of the three conciliators shall act as chairman.

“4. If, at the end of the three-month period referred to in paragraph 2 of the present article the parties have appointed three conciliators but have not been able to agree which of them shall act as chairman, the chairman shall be chosen in the manner described in that paragraph.

“*Article 9*

“In the event that a sole conciliator dies, resigns or for any other reason is prevented from continuing to discharge his duties, a successor shall be appointed as soon as possible in the same way as the original conciliator was appointed. The vacancies which may occur in a conciliation commission as a result of death, resignation or any other cause shall be filled as soon as possible by the method established for appointing the members to be replaced.

“CHAPTER VI

“Rules applicable to conciliation by a sole conciliator

“*Article 10*

“The conciliator, acting in an independent and impartial manner, shall seek to ensure that the parties reach an amicable settlement of the dispute. To that end, he shall be guided by principles of objectivity, fairness and justice, giving consideration to, among other factors, the rights and obligations of the parties and the facts and circumstances of the case. If no settlement is reached during consideration of the dispute, he shall draw up and communicate to the parties, in writing, such terms of settlement as he deems appropriate.

“*Article 11*

“1. After his appointment, the conciliator shall request each of the parties to submit to him a statement, in writing, describing the elements of the dispute and the points at issue, accompanied by any information or evidence which the party considers necessary or useful. Each party shall send the other a copy of this statement and the annexes thereto.

“2. The conciliator may request any of the parties to submit to him an additional statement, in writing, concerning its original statement and concerning the facts and grounds in support thereof, accompanied by any information or evidence which the party considers necessary or useful. The submitting party shall send a copy of the additional statement and the annexes thereto to the other party.

“3. At any stage of the conciliation proceedings, the conciliator may request any of the parties to submit any other documents or information which he considers necessary or useful; such documents or information shall be communicated to the other party.

“*Article 12*

“1. The conciliator shall conduct the proceedings in such a manner as he considers appropriate, taking into account the circumstances of the case, the wishes the parties may express, and the need for a speedy settlement of the dispute.

“2. The conciliator may hear the parties jointly or separately and in any place.

“3. At any stage of the proceedings, the conciliator may make proposals for a settlement of the dispute.

“4. In putting forward proposals and terms of settlement, the conciliator shall refrain from presenting any final conclusions with regard to the facts at issue or from ruling formally on issues of law, unless the parties have jointly requested him to do so.

“5. No minutes shall be drawn up of the meetings between the parties, or one of them, and the conciliator, nor of the evidence submitted.

“6. A certified copy of any document submitted by a party as evidence shall be provided to the other party.

“7. If a party submits an original document as evidence, it shall be entitled to have that document returned to it; a certified copy of the document shall remain in the possession of the conciliator.

“*Article 13*

“1. The work of the conciliator, including his meetings with one or both the parties, which shall be private, shall be secret. The conciliator and the parties shall refrain from divulging any documents or oral statements, or any communication concerning the progress of the proceedings, without the prior approval of both parties.

“2. If any indiscretion occurs during the proceedings, the conciliator may determine its possible effect on the continuation of such proceedings.

“3. Except in the case of evidence submitted during the conciliation proceedings which the parties may submit in any judicial or arbitral proceedings held after the conclusion of the conciliation proceedings, the obligation to respect the secrecy of the conciliation proceedings shall remain in effect for the parties and for the conciliator after the proceedings are concluded and shall extend to the terms of settlement and any proposal made by the conciliator, whether accepted by the parties or not. After the conclusion of the proceedings the parties may, by agreement, make all or some of the documents available to the public or authorize the publication of all or some of them.

“4. Upon conclusion of the proceedings, the conciliator shall destroy every original or copy in his possession of any written material submitted in accordance with article 38 of the present Rules.

“5. Upon conclusion of the proceedings, the conciliator shall deposit a set of the documents with each of the parties.

“*Article 14*

“1. If the terms of settlement are not accepted by both parties and the latter do not wish further efforts to be made to reach agreement on different terms, the proceedings shall be terminated.

“2. If the terms of settlement are not accepted by both parties but the latter wish efforts to reach agreement on different terms to continue, new proceedings shall be initiated, to which all the provisions of the present chapter shall apply, except that, if the conciliator has no objection, the parties may, with respect to the new proceedings, reduce by mutual agreement the time-limit mentioned in article 15 of the present Rules.

“*Article 15*

“Without prejudice to the right of the parties, acting by mutual agreement, and of the conciliator, to extend this time-limit and the possible application of article 13, paragraph 2, or of article 45, of the present Rules, the conciliator shall conclude his work within two months from the date on which the procedures mentioned in article 11, paragraph 1, were completed.

“*Article 16*

“The conciliator may, at any time, request the Secretary-General of the United Nations for advice and assistance with regard to the administrative and procedural aspects of his work.

“CHAPTER VII

“Rules applicable to conciliation by a commission

“FUNDAMENTAL PRINCIPLES

“*Article 17*

“The commission shall attempt to clarify the issues in dispute and to help the parties reach an agreement. It shall seek to obtain all information necessary or useful for the attainment of those objectives. If no settlement is reached during consideration of the dispute, the commission shall draw up and communicate to the parties, through a report of its chairman, such terms of settlement as it deems appropriate.

"*Article 18*

"The commission shall be guided by principles of objectivity, fairness and justice, giving consideration to, among other things, the rights and obligations of the parties and the facts and circumstances of the case.

"PROCEDURES OF THE COMMISSION

"*Article 19*

"While adhering to the procedural provisions contained in the present chapter and chapter VIII of the present Rules, the Commission shall adopt its own procedures.

"*Article 20*

"1. Before the commission begins its work, the parties shall designate their representatives and shall communicate the names of such representatives to the chairman of the commission. The chairman shall determine, in agreement with the parties, the place and date of the commission's first meeting, to which the members of the commission and the representatives shall be convoked.

"2. Before the first meeting of the commission, its members may meet informally to deal with administrative and procedural matters.

"*Article 21*

"The representatives of the parties may be assisted by counsel and experts appointed by the parties.

"*Article 22*

"1. At its first meeting, the commission shall appoint a secretary, who may be a United Nations official. It shall then hear initial statements from the parties. If it decides that the information provided by the parties so permits, the commission shall agree on the method to be used to consider the dispute and, in particular, whether the parties should be invited to submit written statements and in what order and within what time-limits such statements must be submitted, as well as the dates when, if this is required, representatives and counsel will be heard. The decisions taken by the commission in this regard may be amended at any later stage of the proceedings.

"2. The secretary of the commission shall not have the nationality of any of the parties, shall not reside or shall not have resided habitually in their territory and shall not be or shall not have been in the service of any of them.

"3. Except as provided in article 28, paragraph 1, of the present Rules, the commission shall not hear statements by the representative or counsel of a party without having given the other party the opportunity to be represented at the hearing in question.

"*Article 23*

"1. The parties shall facilitate the commission's work and, in particular, shall do everything possible to provide it with whatever documents and information may be relevant.

"2. The commission shall accept any request by the parties that persons whose testimony they consider necessary or useful be heard, that experts be consulted or that local investigations be conducted. It may, however, in any case in which it considers it neither necessary nor useful to accept such a request, ask the party making the request to reconsider it.

"3. The parties shall use the means available to them to enable the commission to enter their territory and, in accordance with their laws, to convoke and hear witnesses or experts and visit any part of their territory to conduct local investigations. Articles 19 to 29 of the Convention for the Pacific Settlement of International Disputes of 18 October 1907[3] shall apply in such cases.

"*Article 24*

"If the commission establishes that the parties disagree on issues of fact, or considers it necessary or useful to clarify facts which the parties do not seem to have taken into account, it may, *motu proprio*, consult experts, conduct local investigations or question witnesses. In such cases, article 23, paragraph 3, shall apply. Before using the powers conferred by the present article with regard to facts which the parties do not seem to have taken into account, the commission shall consult the parties.

"*Article 25*

"The commission may propose to the parties that they jointly appoint expert advisers to assist them in the consideration of technical aspects of the dispute. If the proposal is accepted, its implementation shall be conditional upon the expert advisers being appointed by the parties by mutual agreement and accepted by the commission and upon the parties fixing the emoluments of the expert advisers.

"*Article 26*

"If the commission is unable to reach unanimous agreement, it may take its decisions by a majority of votes of its members without being required to indicate the number of votes. Except in matters of procedure, the presence of all members shall be required in order for a decision to be valid.

"*Article 27*

"1. The commission shall meet at United Nations Headquarters.

"2. The commission may, at any time, request the Secretary-General of the United Nations for advice or assistance with regard to the administrative and procedural aspects of its work.

"CONCLUSION OF THE COMMISSION'S WORK

"*Article 28*

"1. On concluding its consideration of the dispute, the commission shall define the terms of settlement which are likely to be acceptable to the parties, unless the dispute involves issues of fact only. In this connection, the commission may hold an exchange of views with the representatives of the parties, who may be heard jointly or separately.

"2. Once the proposed terms of settlement have been drawn up, they shall be communicated by the chairman of the commission in a report to the representatives of the parties, with a request that the representatives inform the commission, within a given period, whether the parties accept them. The chairman may include in his report the reasons which, in the commission's view, might prompt the parties to accept the proposed terms of settlement. The chairman shall refrain in his report from presenting any final conclusions with regard to facts or from ruling formally on issues of law, unless the parties have jointly asked the commission to do so.

"3. If the dispute involves issues of fact only, the chairman shall hand over to the representatives of the parties, once it is complete, a report setting forth the commission's findings in that regard. The proceedings shall be concluded when his report is handed over.

"*Article 29*

"If the parties accept the terms of settlement proposed by the commission, a document shall be drawn up setting forth those terms. The document shall be signed by the chairman and the secretary. A copy signed by the secretary shall be provided to each party, and this shall conclude the proceedings.

"*Article 30*

"1. If the terms of settlement are not accepted by both parties and the latter do not wish further efforts to be made to reach agreement on different terms, a document shall be drawn up as stipulated in article 29, but omitting the proposed terms and indicating that the parties were unable to accept them and do not wish further efforts to be made to reach agreement on different terms. The proceedings shall be concluded when each party has received a copy of the document signed by the secretary.

"2. If the terms of settlement are not accepted by both parties but the latter wish efforts to reach agreement on different terms to continue, new proceedings shall be initiated, to which all the provisions of the present chapter and chapter VIII of the present Rules used in the first proceedings shall apply, except that it shall not be necessary to appoint a new secretary and, if the commission has no objection, the parties may, with respect to the new proceedings, reduce by mutual agreement the time-limit mentioned in article 31 of the present Rules.

"*Article 31*

"Without prejudice to the right of the parties, acting by mutual agreement, and of the commission, to extend the relevant time-limit and the possible application of article 32, paragraph 2, or article 45, of the present Rules, the commission shall conclude its work within three months from the date on which, in accordance with article 22, paragraph 1, the initial statements of the parties were made, if it consists of three members, and within five months of that date if it consists of five members.

"SECRECY OF THE COMMISSION'S WORK
AND OF THE DOCUMENTS INVOLVED

"*Article 32*

"1. The commission's meetings shall be closed. Members of the commission and its expert advisers, together with representatives, counsel and experts, and the secretary and secretariat staff, shall refrain from divulging any documents or statements, or any communication concerning the progress of the proceedings, without the prior approval of both representatives.

“2. If any indiscretion occurs during the proceedings, the commission may determine its possible effect on the continuation of such proceedings.

“*Article 33*

“Except as provided in articles 29 and 30, no decision, statement or communication concerning the substance of the dispute shall be reflected in the minutes of the commission's meetings at which one or both parties were represented.

“*Article 34*

“1. Certified copies of the minutes of the commission's meetings and of the annexes thereto shall be provided to the representatives through the secretary of the commission, except in the case of the minutes of meetings of the commission to which neither of the parties was invited; the parties shall not receive copies of the minutes of those meetings.

“2. Originals of the minutes of the commission's meetings to which neither of the parties was invited and copies of those minutes in the possession of the secretariat at the conclusion of the proceedings shall be destroyed at that time by the secretary.

“3. Upon conclusion of the proceedings the secretary shall destroy all originals or copies of any written materials submitted in accordance with article 38 of the present Rules that are in his possession.

“4. A certified copy of any document submitted by a party as evidence shall be provided to the other party.

“5. If a party submits an original document as evidence, it shall be entitled to have that document returned to it; a certified copy of the document shall remain in the possession of the secretariat.

“6. The parties shall receive certified copies of the records of evidence drawn from reports of experts, investigations and the questioning of witnesses.

“*Article 35*

“Except with regard to evidence drawn from reports of experts, investigations and the questioning of witnesses and documentary evidence, which the parties may submit in any judicial or arbitral proceedings held after the conclusion of the conciliation proceedings, the obligation to respect the secrecy of the proceedings and of the deliberations shall remain in effect for the parties and for members of the commission, expert advisers and secretariat staff after the proceedings are concluded and shall extend to the terms of settlement, whether accepted or not, and to any proposals made, whether accepted or not. Except for the documents referred to in article 32, paragraph 1, no document shall be communicated to the public before the conclusion of the proceedings. Upon conclusion of the proceedings, the parties may, by mutual agreement, make available to the public all or some of the documents or authorize the publication of all or some of them.

“*Article 36*

“Upon conclusion of the proceedings, the chairman of the commission shall deliver the documents in the possession of the secretariat of the commission to the Secretary-General of the United Nations, who shall preserve their secrecy within the limits indicated above.

“CHAPTER VIII

“RULES APPLICABLE TO ALL CONCILIATION PROCEEDINGS CONDUCTED IN ACCORDANCE WITH THE PRESENT RULES

“*Article 37*

“No admission or proposal made or view expressed during the conciliation proceedings by one of the parties, the commission, a member of the commission or the sole conciliator, as the case may be, shall be considered to prejudge or in any way affect the rights or claims of any of the parties should the proceedings fail. Likewise, a party's acceptance of a proposal or terms of settlement in no way implies acceptance by that party of the arguments of law or of fact on which the proposal or terms of settlement may be based.

“*Article 38*

“1. Any of the parties to conciliation proceedings governed by the present Rules may provide the sole conciliator or the commission, as the case may be, with comments on situations or facts relating to the dispute and on arguments submitted by the other party, on the understanding that the origin of the comments shall not be revealed to the latter.

“2. Materials in writing submitted in accordance with the present article shall not have any evidentiary effect if it affirms or refutes facts.

“*Article 39*

“The parties undertake that no conciliator or expert adviser who takes part in proceedings conducted in conformity with the present Rules shall act as a judge *ad hoc*, arbitrator, representative, counsel or expert of a party in any arbitral or judicial proceedings in respect of the dispute that was the subject of the conciliation proceedings. The parties also undertake not to present a conciliator or expert adviser as a witness or expert in any such proceedings.

“*Article 40*

“Each party may at any time, at its own initiative or at the initiative of the sole conciliator or the commission, as the case may be, make proposals for the settlement of the dispute. Any proposal made in accordance with this article shall be communicated immediately to the sole conciliator or to the commission, as the case may be.

“*Article 41*

“At any stage of the conciliation proceedings, the sole conciliator or the commission, as the case may be, may recommend any provisional measure which should be taken to preserve the corresponding rights of a party.

“*Article 42*

“At any stage of the proceedings, the sole conciliator or the commission, as the case may be, may draw the attention of the parties to any measures which might facilitate an amicable settlement.

“*Article 43*

“Neither of the parties shall initiate, during the conciliation proceedings, any arbitral or judicial proceedings in respect of the dispute which is the subject of the conciliation proceedings. Each party may, however, initiate arbitral or judicial proceedings where such proceedings are necessary for preserving its rights.

“*Article 44*

“The parties shall refrain from any measures which might have an adverse effect on the terms of settlement proposed by the sole conciliator or the commission, as the case may be, until those terms have been explicitly rejected by both or one of the parties. The parties shall also, in general, refrain from any measure which might aggravate or exacerbate the dispute.

“*Article 45*

“If the sole conciliator or the commission, as the case may be, finds one or both of the parties to be systematically and persistently refraining from extending the co-operation necessary for the satisfactory progress of the conciliation proceedings, impeding those proceedings or violating provisions of the present Rules, the conciliator or the commission may terminate the proceedings without proposing terms of settlement or, in the case of a dispute involving issues of fact only, without formulating findings in that regard. If the sole conciliator or the commission, as the case may be, makes use of this power, the conciliator or the commission shall communicate to the parties in writing, in a thorough and precise manner, the reasons why this step has been taken.

“*Article 46*

“The sole conciliator or, if the conciliation proceedings are conducted by a commission, each member of the commission shall receive emoluments in an amount and on terms agreed by the parties who may, if they so wish, request the opinion of the Secretary-General of the United Nations on this matter. The emoluments and the terms of their payment must be fixed before the conciliators are appointed and be communicated to them before they take up office. The same rules apply to the emoluments of the secretary of the commission and any staff he recruits.

“*Article 47*

“The costs of the conciliation proceedings, including those occasioned by any investigations agreed upon by a commission *motu proprio* and the emoluments of expert advisers appointed in accordance with article 25, shall be borne by the parties in equal shares.

“*Article 48*

“The terms of settlement proposed by a sole conciliator or by a commission, as the case may be, shall in no way be binding on the parties with regard to their substance. They shall be simply recommendations submitted to the parties for consideration in order to facilitate an amicable settlement of the dispute. The parties nevertheless undertake to study them carefully and objectively. If one of the parties rejects terms of settlement which the other party accepts, it shall inform the latter, in writing, of the reasons why it could not accept them.

"ANNEX II

"Explanatory commentary on the application of the United Nations Rules for the Conciliation of Disputes between States

"1. The United Nations Rules for the Conciliation of Disputes between States, contained in annex I, are a model set of norms which States between whom a dispute has arisen can adopt either through a bilateral agreement simply referring to the Rules, if they wish to apply them without amendment, or otherwise through a bilateral agreement adopting an amended version of the Rules. The Rules are sufficiently broad to serve as a basis for conciliation proceedings without it being necessary to incorporate additional norms in them.

"2. It is possible that States wishing to set up an *ad hoc* conciliation mechanism to assist them in settling a dispute between them may be parties to a bilateral or multilateral convention which requires them to resort to conciliation to settle disputes arising between them.

"3. If the convention is bilateral, there is of course nothing to prevent the States from using the Rules instead of the convention, without amending the Rules, if the convention provides for *ad hoc* conciliation, that is, if there is no pre-established conciliation body. If such a body does exist, they could, if they prefer to apply the Rules rather than the convention establishing such a body, apply the Rules with the necessary amendments so that the pre-established commission can handle the dispute.

"4. If the pre-existing convention is multilateral, the States may act as indicated in paragraph 3 above, but taking into account, if the Rules, with the agreed amendments, are not fully compatible with the conciliation provisions in the convention, that article 41 of the Vienna Convention on the Law of Treaties[11] requires them to inform States parties to the convention in question of the amendments that they have made in the light of their decision to apply the Rules. This requirement may be fulfilled through the depositary of the convention.

"5. If the dispute prompting recourse to the Rules comes within the terms of a clause of a bilateral or multilateral convention requiring the parties to resort to arbitration or to the International Court of Justice, or if the latter has competence to hear the dispute by virtue of declarations made under Article 36, paragraph 2, of its Statute, States may normally agree that the dispute will none the less first be referred to conciliation on the basis of the Rules, and that recourse to arbitration or to the Court will be required only if such conciliation proceedings fail.

"6. The provisions of article 43 of the Rules are relevant to the comments in paragraph 5 above.

"7. It should be noted that conciliation commissions, which enjoy far-reaching powers of investigation under articles 23 and 24 of the Rules, may serve as investigatory commissions in any case where the dispute involves issues of fact only. In such a case, the sole purpose of the proceedings will be to investigate the facts (see art. 28, para. 3).

"8. The procedure involving conciliation by a sole conciliator is far more flexible and informal than the procedure involving commissions. The Rules, however, do not envisage the application of the former type of conciliation to disputes on issues of fact only. Moreover, inasmuch as neither paragraph 3 of article 23 nor article 24 applies to the sole conciliator, that procedure is often not as well suited to the settlement of disputes on issues of fact as the procedure involving commissions. It should also be noted that because of its flexible and informal nature, the procedure involving a sole conciliator is somewhat similar to mediation.

"9. Unlike what happens in the case of five-member commissions, members appointed individually by the parties are in the majority on three-member commissions. If the dispute has caused serious uneasiness between the parties, that factor could put the chairman of the commission in an awkward position. Accordingly, establishing a three-member commission would appear to be advisable only when, despite the dispute, relations between the parties are still relatively amicable.

"10. If — as happens, for example, when injury is sustained by a national of one party in the territory of the other — the dispute comes within the purview of the courts of one of the parties, it would be better not to initiate conciliation proceedings until that party's highest judicial authority has issued a final ruling on the matter."

6. At the 43rd meeting, the representative of Guatemala introduced a draft decision (A/C.6/45/L.9) proposed by his delegation.

7. At the same meeting, the Committee adopted the draft decision (see para. 8 below).

Recommendation of the Sixth Committee

8. The Sixth Committee recommends to the General Assembly the adoption of the following draft decision:

United Nations rules for the conciliation of disputes between States

The General Assembly, taking into account the documents relating to the draft United Nations rules for the conciliation of disputes between States (see document A/45/143 above), submitted to the Assembly at its forty-fifth session, decides:

(*a*) To request the Secretary-General to circulate that document, together with the revised version of the draft resolution contained in annex II thereto (see para. 5 above), to all Member States, United Nations organs and competent specialized agencies, regional intergovernmental organizations and international legal bodies interested in the draft conciliation rules and to invite them to send to him their observations, comments and suggestions thereon;

(*b*) Also to request the Secretary-General to submit a report containing the replies received to the General Assembly at its forty-sixth session;

(*c*) That the question of the United Nations rules for the conciliation of disputes between States should be examined as part of the programme of the United Nations Decade of International Law and in the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, as appropriate.

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[11] United Nations, *Treaty Series*, vol. 1155, No. 18232.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 48th plenary meeting, on 28 November 1990, the General Assembly adopted the draft decision submitted by the Sixth Committee in its report (A/45/742, para. 8). For the final text, see decision 45/413.[12]

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[12] See *Official Records of the General Assembly, Forty-fifth Session, Supplement No. 49*.

LIST OF OTHER DOCUMENTS PERTAINING TO THE ITEM

Symbol	*Title or description*	*Observations and references*
A/C.6/45/L.2	Draft resolution	See A/45/742, para. 5
A/C.6/45/L.9	Draft decision	*Ibid.*, paras. 6 and 8

United Nations

Agenda item 148

GENERAL ASSEMBLY

ANNEXES

FORTY-FIFTH SESSION

Official Records

NEW YORK, 1990/1991

Agenda item 148: Implementation of the commitments and policies for international development co-operation agreed upon in the Declaration on International Economic Co-operation, in particular the Revitalization of Economic Growth and Development of the Developing Countries*

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DOCUMENT A/45/858

Report of the Second Committee

[*Original: English*]
[*12 December 1990*]

1. At its 3rd plenary meeting, on 21 September 1990, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its forty-fifth session, as item 148, and to allocate to the Second Committee for consideration and report, the item entitled "Implementation of the commitments and policies for international development co-operation agreed upon in the Declaration on International Economic Co-operation, in particular the Revitalization of Economic Growth and Development of the Developing Countries".

2. The Second Committee considered the item at its 10th, 17th and 53rd meetings, on 11 and 19 October and 10 December 1990. An account of the Committee's discussions is contained in the relevant summary records (see A/C.2/45/SR.10, 17 and 53). Attention is also drawn to the general debate held by the Committee on all the items allocated to it at its 2nd to 9th meetings, from 8 to 11 October (see A/C.2/45/SR.2-9).

3. For its consideration of the item, the Committee had before it the following documents:

[*See the list of documents at the end of the present fascicle.*]

Draft resolutions A/C.2/45/L.7 and L.83

4. At the 17th meeting, the representative of Bolivia, on behalf of the States members of the Group of 77, introduced a draft resolution (A/C.2/45/L.7), which read as follows:

> "*The General Assembly*,
>
> "*Reaffirming* its resolution S-18/3 of 1 May 1990, the annex to which contains the Declaration on International Economic Co-operation, in particular the Revitalization of Economic Growth and Development of the Developing Countries,
>
> "*Convinced* that the full and effective implementation of the commitments and policies for international development co-operation agreed upon in the Declaration would contribute to the strengthening of international economic co-operation, in particular the revitalization of economic growth and development of the developing countries,
>
> "1. *Takes note* of Economic and Social Council resolution 1990/54 of 24 July 1990;
>
> "2. *Calls upon* Governments of Member States and specialized agencies to take appropriate measures to ensure the full and effective implementation of the commitments and policies for international development co-operation agreed upon in the Declaration on International Economic Co-operation, in particular the Revitalization of Economic Growth and Development of the Developing Countries;
>
> "3. *Requests* the Secretary-General to submit to the General Assembly at its forty-sixth session, through the Economic and Social Council, a report on the measures taken by the Governments of developed and developing countries, individually and collectively, as well as by the bodies, organs and organizations of the United Nations system, to fulfil those commitments and policies;
>
> "4. *Decides* to include in the agenda of its forty-sixth session an item entitled 'Commitments and policies for international development co-operation agreed upon in the Declaration on International Economic Co-operation, in particular the Revitalization of the Economic Growth and Development of the Developing Countries'."

5. At the 53rd meeting, Mr. Carlos Gianelli (Uruguay), the Vice-Chairman of the Committee, introduced a draft resolution (A/C.2/45/L.83), based on informal consultations held on draft resolution A/C.2/45/L.7, and further orally

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* For the records of the relevant meetings, see *Official Records of the General Assembly, Forty-fifth Session, Second Committee*, 2nd to 10th, 17th and 53rd meetings, and corrigendum; and *ibid., Plenary Meetings*, 71st meeting.

revised it by replacing the words "in accordance with", in paragraph 5, by the words "as provided for in".

6. At the same meeting, the Committee adopted draft resolution A/C.2/45/L.83, as orally revised (see para. 9 below).

7. After the adoption of the draft resolution, statements were made by the representatives of Tunisia and Morocco.

8. In the light of the adoption of draft resolution A/C.2/45/L.83, the sponsors withdrew draft resolution A/C.2/45/L.7.

Recommendation of the Second Committee

9. The Second Committee recommends to the General Assembly the adoption of the following draft resolution:

Implementation of the commitments and policies agreed upon in the Declaration on International Economic Co-operation, in particular the Revitalization of Economic Growth and Development of the Developing Countries

The General Assembly,

Reaffirming its resolution S-18/3 of 1 May 1990, the annex to which contains the Declaration on International Economic Co-operation, in particular the Revitalization of Economic Growth and Development of the Developing Countries,

Convinced that the full and effective implementation of the commitments and policies agreed upon in the Declaration would contribute to the strengthening of international economic co-operation, in particular the revitalization of economic growth and development of the developing countries,

Noting with appreciation the results achieved by the Second United Nations Conference on the Least Developed Countries[1] and in the elaboration of the International Development Strategy for the Fourth United Nations Development Decade, contained in the annex to General Assembly resolution 45/199 of 21 December 1990, as well as by the World Summit for Children (see A/45/625), in the light of the Declaration,

1. *Takes note* of Economic and Social Council resolution 1990/54 of 24 July 1990;

2. *Calls upon* States Members of the United Nations and States members of the specialized agencies to take appropriate measures to ensure the full and effective implementation of the commitments and policies agreed upon in the Declaration;

3. *Requests* the Secretary-General to submit to the General Assembly at its forty-sixth session a report on the steps taken by the Governments of developed and developing countries, individually and collectively, as well as by the organs, organizations and bodies of the United Nations system, to fulfil those commitments and policies, taking into account Economic and Social Council resolution 1990/54;

4. *Decides* to include in the agenda of its forty-sixth session an item entitled "Implementation of the commitments and policies agreed upon in the Declaration on International Economic Co-operation, in particular the Revitalization of Economic Growth and Development of the Developing Countries";

5. *Decides* that, during consideration of the item mentioned in paragraph 4 above, the General Assembly should elaborate effective modalities to ensure action-oriented political review and follow-up processes for the Declaration on International Economic Co-operation, in particular the Revitalization of Economic Growth and Development of the Developing Countries and for the International Development Strategy for the Fourth United Nations Development Decade, as provided for in paragraph 38 of the Declaration and paragraph 112 of the Strategy.

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[1] See A/CONF.147/Misc.9.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 71st plenary meeting, held on 21 December 1990, the General Assembly adopted the draft resolution submitted by the Second Committee in its report (A/45/858, para. 9). For the final text, see resolution 45/234.[2]

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[2] See *Official Records of the General Assembly, Forty-fifth Session, Supplement No. 49*.

LIST OF OTHER DOCUMENTS PERTAINING TO THE ITEM

Symbol	*Title or description*	*Observations and references*
A/45/3 and Add.1 and 2	Report of the Economic and Social Council for the year 1990	For the final text, see A/45/3/Rev.1
A/45/3/Rev.1	*Idem*	*Official Records of the General Assembly, Forty-fifth Session, Supplement No. 3*
A/45/584	Letter dated 4 October 1990 from the representative of Bolivia to the Secretary-General transmitting the text of a declaration adopted by the Ministers for Foreign Affairs of the States members of the Group of 77 at their fourteenth annual meeting, held in New York on 3 October 1990	
A/45/675	Letter dated 26 October 1990 from the representative of Venezuela to the Secretary-General transmitting the text of documents issued by the Presidents of the States members of the Río Group at the Fourth Summit Meeting of the Permanent Mechanism for Consultation and Concerted Political Action, held at Caracas on 11 and 12 October 1990	
A/C.2/45/L.7	Draft resolution	See A/45/858, para. 4
A/C.2/45/L.83	*Idem*	*Ibid.*, paras. 5 and 9

United Nations

GENERAL ASSEMBLY

Official Records

Agenda item 149

ANNEXES

FORTY-FIFTH SESSION

NEW YORK, 1990/1991

Agenda item 149: Observer status for the International Committee of the Red Cross, in consideration of the special role and mandates conferred upon it by the Geneva Conventions of 12 August 1949*

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Document A/45/191 and Add.1: Algeria, Australia, Austria, Bahamas, Canada, Czechoslovakia, Egypt, Finland, Guatemala, Indonesia, Italy, Jordan, New Zealand, Nigeria, Philippines, Poland, Senegal, Thailand, Uganda, Uruguay and Yugoslavia: request for the inclusion of a supplementary item in the agenda of the forty-fifth session 1

Document A/45/L.7 and Add.1: Afghanistan, Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Belize, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cyprus, Czechoslovakia, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Finland, France, Gabon, Germany, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Japan, Jordan, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Luxembourg, Madagascar, Malawi, Malaysia, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Saint Lucia, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, Somalia, Spain, Sri Lanka, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia and Zimbabwe: draft resolution 3

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* For the record of the relevant meeting, see *Official Records of the General Assembly, Forty-fifth Session, Plenary Meetings*, 31st meeting.

DOCUMENT A/45/191 AND ADD.1**

Algeria, Australia, Austria, Bahamas, Canada, Czechoslovakia, Egypt, Finland, Guatemala, Indonesia, Italy, Jordan, New Zealand, Nigeria, Philippines, Poland, Senegal, Thailand, Uganda, Uruguay and Yugoslavia: request for the inclusion of a supplementary item in the agenda of the forty-fifth session

[*Original: English*]
[*17 August 1990*]

LETTER DATED 16 AUGUST 1990 TO THE SECRETARY-GENERAL

Upon instructions from our Governments, we are writing to request, in accordance with rule 14 of the rules of procedure of the General Assembly, the inclusion in the agenda of the forty-fifth session of the General Assembly of a supplementary item entitled "Observer status for the International Committee of the Red Cross, in consideration of the special role and mandates conferred upon it by the Geneva Conventions of 12 August 1949".

In accordance with rule 20 of the rules of procedure, an explanatory memorandum and a draft resolution are annexed to the present letter.

Hocine DJOUDI
Representative of Algeria

Peter Stephen WILINSKI
Representative of Australia

Thomas HAJNOCZI
Representative of Austria

A. Missouri SHERMAN-PETER
Representative of Bahamas

L. Yves FORTIER
Representative of Canada

Eduard KUKAN
Representative of Czechoslovakia

Mohamed Noman GALAL
Representative of Egypt

Marjatta RASI
Representative of Finland

Rafael CASTELLANOS CARRILLO
Representative of Guatemala

Abdullah SALAH
Representative of Jordan

Nana S. SUTRESNA
Representative of Indonesia

M. Vieri TRAXLER
Representative of Italy

Hilary A. WILLBERG
Representative of New Zealand

** Document A/45/191/Add.1 was issued to add one name to the list of signatures.

Ibrahim A. GAMBARI
Representative of Nigeria
Sedfrey A. ORDOÑEZ
Representative of the Philippines
Stanislaw PAWLAK
Representative of Poland
Saïdou Nourou BA
Representative of Senegal
Nitya PIBULSONGGRAM
Representative of Thailand
Christopher KATSIGAZI
Representative of Uganda
Ramiro PIRIZ-BALLON
Representative of Uruguay
Dragoslav PEJIC
Representative of Yugoslavia

ANNEX

Explanatory memorandum

1. The International Committee of the Red Cross is an independent humanitarian institution that was founded at Geneva, Switzerland, in 1863. In conformity with the mandate conferred on it by the international community of States through universally ratified international treaties, the Committee acts as a neutral intermediary to provide protection and assistance to the victims of international and non-international armed conflicts.

2. The four Geneva Conventions of 12 August 1949 for the protection of war victims, to which 166 States are party, and their two Additional Protocols of 1977 explicitly establish the role of the International Committee of the Red Cross as a neutral and impartial humanitarian intermediary. The treaties of international humanitarian law thus assign duties to the Committee that are similar to those of a Protecting Power responsible for safeguarding the interests of a State at war, in that the Committee may act as a substitute for the Protecting Power within the meaning of the 1949 Geneva Conventions and the 1977 Additional Protocol I. Moreover, the Committee has the same right of access as a Protecting Power to prisoners of war (third Geneva Convention) and civilians covered by the Geneva Convention relative to the Protection of Civilian Persons in Time of War (fourth Geneva Convention). In addition to these specific tasks the Committee, as a neutral institution, has a right of initiative deriving from a provision common to the fourth Geneva Convention that entitles it to make any proposal it deems to be in the interest of the victims of the conflict.

3. The statutes of the International Red Cross and Red Crescent Movement, as adopted by the International Conference of the Red Cross and Red Crescent, in which the States parties to the Geneva Conventions take part, require the International Committee of the Red Cross to spread knowledge and increase understanding of international humanitarian law and promote the development thereof. The statutes also provide that the Committee shall uphold and make known the Movement's fundamental principles, namely, humanity, impartiality, neutrality, independence, voluntary service, unity and universality.

4. It was at the initiative of the International Committee of the Red Cross that the original Geneva Convention of 1864 for the Amelioration of the Condition of the Wounded in Armies in the Field was adopted by Governments. Ever since, the Committee has endeavoured to develop international humanitarian law to keep pace with the evolution of conflicts.

5. In order to fulfil the mandate conferred on it by international humanitarian law, the resolutions of the International Conference of the Red Cross and Red Crescent and the statutes of the Movement, the International Committee of the Red Cross has concluded with many States headquarters agreements governing the status of its delegations and their staff. In the course of its work, the Committee has concluded other agreements with States and intergovernmental organizations.

6. With an average of 590 delegates working in 48 delegations, the International Committee of the Red Cross was active in 1989 in nearly 90 countries in Africa, Asia, Europe, Latin America and the Middle East — including the countries covered from its various regional delegations — providing protection and assistance to the victims of armed conflicts by virtue of the Geneva Conventions and, with the agreement of the Governments concerned, to victims of internal disturbances and tension.

7. In the event of international armed conflict, the mandate of the International Committee of the Red Cross is to visit prisoners of war and civilians protected by the Geneva Conventions of 12 August 1949 in accordance with the provisions of the Geneva Convention relative to the treatment of prisoners of war (third Convention), the Geneva Convention relative to the Protection of Civilian Persons in Time of War (fourth Convention) and the Additional Protocol to the Geneva Conventions of 12 August 1949 relative to the protection of victims of international armed conflicts (Protocol I). In situations of non-international armed conflict, the Committee bases its requests for access to persons deprived of their freedom on account of the conflict on article 3 common to the Geneva Conventions and on the Additional Protocol to the Geneva Conventions of 12 August 1949 and relating to the protection of victims of non-international armed conflicts (Protocol II).

8. In situations other than those covered by the Geneva Conventions and their Additional Protocols, the International Committee of the Red Cross may avail itself of its statutory right of initiative to propose to Governments that it be granted access to persons deprived of their freedom as a result of internal disturbances and tension.

9. The purpose of the visits of the International Committee of the Red Cross to persons deprived of their freedom is exclusively humanitarian: the delegates of the Committee observe the treatment afforded to prisoners, examine their material and psychological conditions of detention and, whenever necessary, request the authorities to take steps to improve the detainees' treatment and living conditions. The Committee never expresses an opinion on the grounds for detention. Its findings are recorded in confidential reports that are not intended for publication.

10. In the event of armed conflicts or internal disturbances, the International Committee of the Red Cross provides material and medical assistance, with the consents of the Governments concerned and on condition that it is allowed to assess the urgency of victims' needs on the spot, to carry out surveys in the field to identify the categories and the number of people requiring assistance and to organize and monitor relief distributions.

11. The activities of the Central Tracing Agency of the International Committee of the Red Cross are based on the institution's obligations under the Geneva Conventions to assist military and civilian victims of international armed conflicts and on its right of humanitarian initiative in other situations. The work of the Agency and its delegates in the field consists in collecting, recording, centralizing and, where appropriate, forwarding information concerning people entitled to the Committee's assistance, such as prisoners of war, civilian internees, detainees, displaced persons and refugees. It also includes restoring contact between separated family members, essentially by means of family messages where normal means of communication do not exist or have been disrupted because of a conflict, tracing persons reported missing or whose families have no news of them, organizing family reunifications, transfers to safe places and repatriation operations.

12. The tasks of the International Committee of the Red Cross and the United Nations increasingly complement one another and co-operation between the two institutions is closer, both in their field activities and in their efforts to enhance respect for international humanitarian law. In recent years, this has been seen in many operations to provide protection and assistance to the victims of conflict in all parts of the world.

13. The International Committee of the Red Cross and the United Nations have also co-operated closely on legal matters, with the Committee contributing to United Nations work in this field. This is also reflected in the resolutions of the Security Council, the General Assembly and its subsidiary bodies, as well as in the reports of the Secretary-General.

14. Participation of the International Committee of the Red Cross as an observer at the proceedings of the General Assembly would further enhance co-operation between the United Nations and the Committee and facilitate the work of the Committee.

APPENDIX

Draft resolution

OBSERVER STATUS FOR THE INTERNATIONAL COMMITTEE OF THE RED CROSS, IN CONSIDERATION OF THE SPECIAL ROLE AND MANDATES CONFERRED UPON IT BY THE GENEVA CONVENTIONS OF 12 AUGUST 1949

The General Assembly,

[*Same text as draft resolution A/45/L.7 and Add.1 below.*]

DOCUMENT A/45/L.7 AND ADD.1*

Afghanistan, Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Belize, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cyprus, Czechoslovakia, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Finland, France, Gabon, Germany, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Japan, Jordan, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Luxembourg, Madagascar, Malawi, Malaysia, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Saint Lucia, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, Somalia, Spain, Sri Lanka, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia and Zimbabwe: draft resolution

[*Original: English*]
[*12 October 1990*]

The General Assembly,

Recalling the mandates conferred upon the International Committee of the Red Cross by the Geneva Conventions of 12 August 1949,[1]

Considering the special role carried on accordingly by the International Committee of the Red Cross in international humanitarian relations,

Desirous of promoting co-operation between the United Nations and the International Committee of the Red Cross,

1. *Decides* to invite the International Committee of the Red Cross to participate in the sessions and the work of the General Assembly in the capacity of observer;

2. *Requests* the Secretary-General to take the necessary action to implement the present resolution.

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* Document A/45/L.7/Add.1 was issued to add seven countries to the list of sponsors.

[1] United Nations, *Treaty Series*, vol. 75, Nos. 970-973.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 31st plenary meeting, on 16 October 1990, the General Assembly adopted draft resolution A/45/L.7 and Add.1. For the final text, see resolution 45/6.[2].

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[2] See *Official Records of the General Assembly, Forty-fifth Session, Supplement No. 49.*

United Nations

GENERAL ASSEMBLY

Official Records

Agenda item 150

ANNEXES

FORTY-FIFTH SESSION

NEW YORK, 1990/1991

Agenda item 150: Tenth anniversary of the University for Peace*

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* For the record of the relevant meeting, see *Official Records of the General Assembly, Forty-fifth Session, Plenary Meetings*, 34th meeting.

DOCUMENT A/45/192

Costa Rica: request for the inclusion of a supplementary item in the agenda of the forty-fifth session

[*Original: Spanish*]
[*20 August 1990*]

LETTER DATED 18 AUGUST 1990 TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to request, in conformity with rule 14 of the rules of procedure of the General Assembly, the inclusion in the agenda of the forty-fifth session of the General Assembly of a supplementary item entitled "Tenth anniversary of the University for Peace".

In accordance with rule 20 of the rules of procedure, the explanatory memorandum annexed to this letter indicates the reasons why the Government of Costa Rica deems it important to include this item in the agenda and requests that it be considered in plenary meeting.

(*Signed*) Emilia CASTRO DE BARISH
Ambassador
Chargé d'affaires a.i.

ANNEX

Explanatory memorandum

In 1980, the General Assembly adopted resolution 35/55, by which it established the University for Peace and provided that this international institution would through its academic work help to advance the efforts and aspirations of the world's peoples and Governments in the search for non-violent alternatives in order to attain a better quality of life and sustainable development.

Ten years after its creation, in an ever more rapidly changing world, the University has become a presence in Central America and in other latitudes. The broadcasts of International Peace Radio and the productions of the Gandhi Television Centre demonstrate this. The institution has a regional centre in Yugoslavia. It is also taking steps to establish a Conflict Resolution Centre in Colombia.

The campus was the scene of the meeting and dialogue among the members of the National Reconciliation Committees of Central America, which in September 1989 called for a strengthening of actions in support of the peace process initiated by the Central American Presidents at the Esquipulas I and II summit meetings, as reiterated by the summit meetings held at San Isidro, Costa Rica, Costa del Sol, El Salvador, Antigua, Guatemala, Tela, Honduras and Montelimar, Nicaragua.

In the area of communication, the master's degree course has brought together students from different parts of the world. In the field of education, the primary focus is the establishment and development of a teaching programme at the master's level in "Education for Peace", aimed initially at the Central America and Panama region.

With respect to human rights and peace, a master's programme has been organized to train specialists drawn from various disciplines and professional activities whose task will be to promote, through scientific research, systematic knowledge of the rights in question and their broad dissemination and assimilation as essential educational values, the protection and safeguarding of human rights on the basis of a realistic approach to the situation in today's world.

The University for Peace begins this new decade, rising to the new challenges that are emerging as the twenty-first century approaches, guided by the words of article 2 of its Charter, "with a clear determination to provide humanity with an international institution of higher education for peace and with the aim of promoting among all human beings the spirit of understanding, tolerance and peaceful coexistence, to stimulate co-operation among peoples and to help lessen obstacles and threats to world peace and progress, in keeping with the noble aspirations proclaimed in the Charter of the United Nations".

DOCUMENT A/45/L.10 AND ADD.1*

Antigua and Barbuda, Argentina, Belize, Bolivia, Chile, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cyprus, Dominican Republic, Ecuador, El Salvador, Fiji, Grenada, Guatemala, Guyana, Haiti, Honduras, India, Liechenstein, Mexico, Morocco, Nepal, Nicaragua, Panama, Paraguay, Peru, Saint Lucia, Samoa, Senegal, Singapore, Spain, Sri Lanka, Suriname, Thailand, Togo, Union of Soviet Socialist Republics, Venezuela and Yugoslavia: draft resolution

[*Original: Spanish*]
[*19 October 1990*]

The General Assembly,

Recalling its resolutions 33/109 of 18 December 1978, 34/111 of 14 December 1979 and 35/55 of 5 December 1980, on the establishment of the University of Peace,

Recalling also Economic and Social Council resolutions 1985/2 of 24 May 1985 and 1986/6 of 21 May 1986 and its resolution 41/175 of 5 December 1986,

Taking into account the positive contribution which the University has made to the cause of peace through the various international programmes it has developed during its first ten years, in particular those focusing on Central America, as a contribution to efforts to promote peace, security and trust amongst the countries of the region and the economic and social development of that part of the American continent,

Bearing in mind that 1990 marks the end of the first decade of continuous work and activities by this institution dedicated to research and education for peace,

1. *Welcomes* the fact that in 1990 the University for Peace completes its first decade of activities in the cause of peace, in accordance with the purposes and objectives for which it was established;

2. *Invites* Member States to accede to the International Agreement for the Establishment of the University for Peace;[1]

3. *Appeals* to Member States and governmental and non-governmental agencies which provide financial assistance for research to make financial contributions in order further to advance the objectives of the University;

4. *Requests* the Secretary-General to establish an agreement on co-operation between the United Nations and the University, in accordance with the Charter of the University;[1]

5. *Expresses its appreciation* to Costa Rica, the host country, for its valuable support and contribution to the operation of the University;

6. *Requests* the Secretary-General to transmit the present appeal to all Member States so as to ensure the smooth operation of the University;

7. *Also requests* the Secretary-General to report to the General Assembly at its forty-sixth session on the implementation of the present resolution.

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* Document A/45/L.10/Add.1 was issued to add one State to the list of sponsors.

[1] See resolution 35/55, annex.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 34th plenary meeting, on 24 October 1990, the General Assembly adopted draft resolution A/45/L.10 and Add.1. For the final text, see resolution 45/8.[2]

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[2] See *Official Records of the General Assembly, Forty-fifth Session, Supplement No. 49*.

United Nations

GENERAL ASSEMBLY

Official Records

Agenda item 152

ANNEXES

FORTY-FIFTH SESSION

NEW YORK, 1990/1991

Agenda item 152: Critical economic situation in Africa:*

- **(*a*) United Nations Programme of Action for African Economic Recovery and Development 1986-1990;**
- **(*b*) Report of the United Nations Secretary-General's Expert Group on African Commodity Problems;**
- **(*c*) African Charter for Popular Participation in Development and Transformation**

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* For the records of the relevant meetings, see *Official Records of the General Assembly, Forty-fifth Session, Plenary Meetings*, 45th, 46th and 70th meetings; and *ibid., Fifth Committee*, 39th meeting, and corrigendum.

DOCUMENT A/45/232

Niger: request for the inclusion of an additional item in the agenda of the forty-fifth session

[*Original: English/French*]
[*13 September 1990*]

LETTER DATED 29 AUGUST 1990 TO THE SECRETARY-GENERAL

At the request of the Group of African States and as Chairman of the Group, I should be grateful if you would have an item entitled "Critical economic situation in Africa" placed on the agenda of the forty-fifth session of the General Assembly together with the following three sub-items:

(*a*) United Nations Programme of Action for African Economic Recovery and Development 1986-1990;

(*b*) Report of the United Nations Secretary-General's Expert Group on African Commodity Problems;

(*c*) African Charter for Popular Participation in Development and Transformation.

This request is being made in light of General Assembly resolutions 43/27 of 18 November 1988 and 44/218 of 22 December 1989 and decision 44/411 of 17 November 1989, and of resolutions CM/Res.1285 (LII), CM/Res.1286 (LII) and CM/Res.1287 (LII), adopted by the Council of Ministers of the Organization of African Unity in July 1990, concerning the aforesaid three sub-items. The African Group would like all these issues to be discussed by the General Assembly in plenary meeting as was done in the case of the mid-term review and appraisal of the United Nations Programme of Action for African Economic Recovery and Development 1986-1990.

In accordance with rule 20 of the rules of procedure of the Assembly, an explanatory memorandum is attached to this note.

(*Signed*) Moumouni DJERMAKOYE
Ambassador
Permanent Representative of the Niger
to the United Nations
Chairman of the African Group

ANNEX

Explanatory memorandum

By including this item, especially sub-items (*a*) and (*b*), in the agenda of the forty-fifth session, the General Assembly will be able better to prepare the practical modalities of the final review and assessment of the implementation of the United Nations Programme of Action for African Economic Recovery and Development 1986-1990, which are due to take place during the forty-sixth session, in accordance with resolution 43/27. In this regard, I wish to inform you that, by its resolution CM/Res.1285 (LII), the Council of Ministers of the Organization of African Unity recommended that such assessment be carried out in the framework of an *ad hoc* plenary committee.

As for the "African Charter for Popular Participation in Development", it is a document for information whose circulation as official document of the General Assembly has already been requested by the Permanent Representative of the United Republic of Tanzania. It stands as an African contribution for a better understanding of certain concerns relating to the constraints of the critical economic situation of the African continent. If sub-item (*c*) concerning this issue is included in the agenda, it will allow the necessary exchange of views on those constraints.

The request for the inclusion of the above-mentioned common item does not deal with the final review and assessment of the implementation of the United Nations Programme of Action for African Economic Recovery and Development 1986-1990 which is due to take place during the forty-sixth session of the General Assembly. Its purpose is simply to seize the opportunity of the forty-fifth session of the Assembly to work out the modalities of such final assessment. We do believe that these actions to be carried out during the forty-fifth and forty-sixth sessions of the Assembly are of a very complementary nature.

DOCUMENT A/45/L.20

Tunisia and Uganda: draft resolution

[*Original: English*]
[*19 November 1990*]

Final review and appraisal of the implementation of the United Nations Programme of Action for African Economic Recovery and Development 1986-1990

The General Assembly,

[*Same text as draft resolution A/45/L.20/Rev.1 below, with the exception of the second and third preambular paragraphs and paragraphs 3 to 9.*]

Aware of Economic and Social Council resolution E/1990/75 of 27 July 1990 on the final review and appraisal of the United Nations Programme of Action for African Economic Recovery and Development,

Recalling Organization of African Unity resolution CM/Res. 1287 (LII) of July 1990 on the final review and appraisal of the United Nations Programme of Action for African Economic Recovery and Development,

3. *Decides further* that the *Ad Hoc* Committee of the Whole, in carrying out its mandate, should submit its findings to the General Assembly and propose concrete measures and recommendations for sustained growth and development in Africa beyond 1991;

4. *Urges* Member States, organs and bodies of the United Nations system to be represented at the highest possible level and participate actively in the work of the *Ad Hoc* Committee;

5. *Requests* the Secretary-General to continue ensuring closer co-operation and co-ordination with the Secretary-General of the Organization of African Unity for the contributions from various relevant organs, bodies and organizations of the United Nations system for the preparation of the final review and appraisal of the implementation of the Programme of Action;

6. *Also requests* the Secretary-General to submit to the *Ad Hoc* Committee of the Whole his report on the implementation of the United Nations Programme of Action for African Economic Recovery and Development 1986-1990;

7. *Decides* to call an organizational session of the *Ad Hoc* Committee of the Whole in April 1991 to adopt the arrangements for its work;

8. *Calls upon* the relevant United Nations agencies and organizations, including the United Nations Development Programme, to continue to provide adequate resources and the assistance required for the full implementation of projects and programmes undertaken in the framework of the United Nations Programme of Action for African Economic Recovery and Development;

9. *Requests* the Secretary-General to report to the General Assembly at its forty-sixth session on the implementation of the present resolution.

DOCUMENT A/45/L.20/REV.1

Tunisia and Uganda: revised draft resolution

[*Original: English*]
[*14 December 1990*]

Final review and appraisal of the implementation of the United Nations Programme of Action for African Economic Recovery and Development 1986-1990

The General Assembly,

Recalling its resolution S-13/2 of 1 June 1986, the annex to which contains the United Nations Programme of Action for African Economic Recovery and Development 1986-1990, 42/163 of 8 December 1987, in which, *inter alia,* it decided to establish an *Ad Hoc* Committee of the Whole for the mid-term review and appraisal of the Programme of Action, and 43/27 of 18 November 1988 on the mid-term review and appraisal of the implementation of the Programme of Action,

Recalling also Economic and Social Council resolution 1990/75 of 27 July 1990 on the final review and appraisal of the Programme of Action,

Taking note of resolution CM/Res. 1287 (LII) on the final review and appraisal of the Programme of Action, adopted by the Council of Ministers of the Organization of African Unity at its fifty-second ordinary session, held at Addis Ababa from 3 to 8 July 1990 (see A/45/482, annex I),

Recalling further its resolution 45/13 of 7 November 1990 on co-operation between the United Nations and the Organization of African Unity, in which the Assembly, *inter alia,* decided that the final review and appraisal of the Programme of Action should be prepared by an *ad hoc* committee of the whole of the General Assembly, *Convinced* that the final review and appraisal of the implementation of the Programme of Action by the General Assembly should be an occasion for an in-depth assessment of the actions taken in the implementation of the Programme, as well as the measures that are needed to sustain accelerated growth and development in Africa beyond 1991,

1. *Decides* to establish an *ad hoc* committee of the whole of the forty-fifth session of the General Assembly for the purpose of preparing, for the forty-sixth session, the final review and appraisal of the implementation of the United Nations Programme of Action for African Economic Recovery and Development 1986-1990;

2. *Decides also* that the *Ad Hoc* Committee of the Whole should meet for ten working days in September 1991 before the forty-sixth session of the General Assembly and that its Bureau should be constituted at the highest possible level and be composed of a Chairman, three Vice-Chairmen and a Rapporteur;

3. *Decides further* that the *Ad Hoc* Committee of the Whole, in carrying out its mandate, should submit its findings to the General Assembly and propose concrete measures and recommendations for sustained and sustainable growth and development in Africa beyond 1991;

4. *Urges* Member States, organs and bodies of the United Nations system to be represented at the highest possible level and participate actively in the work of the *Ad Hoc* Committee of the Whole;

5. *Requests* the Secretary-General to continue ensuring close co-operation and co-ordination with the Secretary-General of the Organization of African Unity concerning the contributions of various relevant organs, bodies and organizations of the United Nations system, including the Economic Commission for Africa, the United Nations Development Programme, the Food and Agriculture Organization of the United Nations, the United Nations Industrial Development Organization, the United Nations Conference on Trade and Development and the United Nations Children's Fund, in the context of the report of the Secretary-General for the preparation of the final review and appraisal of the implementation of the Programme of Action;

6. *Decides* to call an organizational session not exceeding two working days of the *Ad Hoc* Committee of the Whole in April 1991 to adopt the arrangements for its work;

7. *Calls upon* the relevant United Nations agencies and organizations, including the United Nations Development Programme, to continue to provide adequate resources and the assistance required for the full implementation of projects and programmes undertaken in the framework of the Programme of Action;

8. *Requests* the Secretary-General to submit to the *Ad Hoc* Committee of the Whole his report on the implementation of the Programme of Action;

9. *Also requests* the Secretary-General to report to the General Assembly at its forty-sixth session on the implementation of the present resolution.

DOCUMENT A/45/L.21*

Tunisia and Uganda: draft resolution

[*Original: English*]
[*19 November 1990*]

REPORT ON AFRICA'S COMMODITY PROBLEMS: TOWARDS A SOLUTION

The General Assembly,

Recalling resolution AHG/177 (XXIV) of the Assembly of Heads of State and Government of the Organization of African Unity adopted in May 1988, which requested the Secretary-General of the United Nations to establish a high-level expert group to examine the problems of African commodities in the context of the implementation of the United Nations Programme of Action for African Economic Recovery and Development 1986-1990,

Recalling also its resolutions S-13/2 of 1 June 1986, the annex to which contains the United Nations Programme of Action for African Economic Recovery and Development 1986-1990, 43/12 of 25 October 1988, 43/27 of 18 November 1988 on the mid-term review and appraisal of the implementation of the Programme and 44/17 of 1 November 1989 on co-operation between the United Nations and the Organization of African Unity,

Taking note with appreciation of the establishment of the United Nations Secretary-General's Expert Group on Africa's Commodity Problems and its consequent report (A/45/581),

Taking note also of the note by the Secretary-General (A/45/581/Add.1) on the critical economic situation in Africa,

Having considered Africa's common position on the report of the Secretary-General's Expert Group on Africa's Commodity Problems (A/45/591, annex),

Aware of the predominantly important role that commodities play in the economies of African countries,

1. *Takes note* of the report of the Secretary-General's Expert Group on Africa's Commodity Problems;

2. *Takes note also* of the note by the Secretary-General on the critical economic situation in Africa;

3. *Commends* the enrichment of the report of the Expert Group on Africa's commodity problems by Africa's common position on this report;

4. *Requests* the Secretary-General, in consultation with the Organization of African Unity and other interested Governments, multilateral financial institutions and regional development funds, to report to the General Assembly at its forty-sixth session through the *Ad Hoc* Committee of the Whole for the Final Review and Appraisal of the United Nations Programme of Action for African Economic Recovery and Development, on measures for the follow-up of the

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* Incorporating document A/45/L.21/Corr.1 dated 20 November 1990.

report of the Expert Group, taking fully into account the African common position on the report;

5. *Requests* the Secretary-General, in consultation with the President of the African Development Bank, to include in his report to the forty-sixth session a study on the proposal of the feasibility of establishing an African commodity diversification fund in the African Development Bank as well as ways and means of mobilizing sufficient resources from the international community, including multilateral financial institutions and other relevant organizations, for its efficient operations;

6. *Also requests* the Secretary-General, in co-operation with the Secretary-General of the United Nations Conference on Trade and Development, to carry out a comprehensive study on the proposal on the likely impact of the recent advances in technology and the outcome of the Uruguay Round of multilateral trade negotiations on Africa's commodity sector, and to submit the report to the General Assembly at its forty-sixth session through the *Ad Hoc* Committee of the Whole;

7. *Further requests* the Secretary-General, in co-operation with the Director General of the United Nations Industrial Development Organization, to carry out a comprehensive study on the capacity of the African commodity sector to supply the industrial materials and intermediate factor-inputs required for the programme under the Second Industrial Development Decade for Africa and submit his report to the forty-sixth session, within the context of the final review and appraisal of the Programme of Action;

8. *Requests* the Secretary-General to accord Africa's commodity programmes appropriate priority in the United Nations medium-term plan 1992-1997;

9. *Decides* to include in the provisional agenda of its forty-sixth session an item entitled "Africa's Commodity Problems";

10. *Requests* the Secretary-General to report to the General Assembly at its forty-sixth session on the implementation of the present resolution.

DOCUMENT A/45/L.21/REV.1

Tunisia and Uganda: revised draft resolution

[*Original: English*]
[*14 December 1990*]

REPORT ON AFRICA'S COMMODITY PROBLEMS: TOWARDS A SOLUTION

The General Assembly,

Recalling resolution AHG/177 (XXIV) adopted by the Assembly of Heads of State and Government of the Organization of African Unity at its twenty-fourth ordinary session, held at Addis Ababa from 25 to 28 May 1988,[1] which requested the Secretary-General of the United Nations to establish a high-level expert group to examine the problems of African commodities in the context of the implementation of the United Nations programme of Action for African Economic Recovery and Development 1986-1990,

Recalling also its resolutions S-13/2 of 1 June 1986, the annex to which contains the United Nations Programme of Action for African Economic Recovery and Development 1986-1990, 43/27 of 18 November 1988 on the mid-term review and appraisal of the implementation of the Programme of Action, and 43/12 of 25 October 1988 and 44/17 of 1 November 1989 on co-operation between the United Nations and the Organization of African Unity,

Aware of the predominantly important role that commodities play in the African economies and the importance of horizontal and vertical diversification, market promotion activities and exports,

Taking note with appreciation of the establishment of the United Nations Secretary-General's Expert Group on African Commodity Problems (A/45/581),

1. *Takes note with interest* of the report of the Secretary-General's Expert Group on African Commodity Problems (*ibid.*, annex) and of Africa's common position on that report (A/45/591, annex);

2. *Takes note also* of the note by the Secretary-General on the critical economic situation in Africa (A/45/581/Add.1);

3. *Requests* the Secretary-General, in consultation with the Organization of African Unity and other interested Governments, multilateral financial institutions and regional development funds, to include in his report to the General Assembly at its forty-sixth session, through the *Ad Hoc* Committee of the Whole for the final review and appraisal of the United Nations Programme of Action for African Economic Recovery and Development 1986-1990, proposals on how to support Africa's efforts at diversification, including the means of mobilizing sufficient resources on favourable terms from the international community and measures to enhance domestic and foreign investment and enterprise;

4. *Also requests* the Secretary-General to include in his report a study on how diversification in African can be implemented at national, subregional and regional levels with the support of the international community, taking into account the report of the Expert Group and Africa's common position on that report, and invites the international community, including regional development banks, to take the issue of diversification into account as an important element in Africa's economic development;

5. *Invites* the international community, including the African Development Bank, to strengthen its support of Africa's efforts to diversify its commodity sector, bearing in mind the relevant operational mechanisms;

6. *Further requests* the Secretary-General to accord Africa's commodity programmes appropriate priority in the United Nations medium-term plan for the period 1992-1997;

7. *Decides* to include in the provisional agenda of its forty-sixth session a sub-item entitled "Africa's commodity problems" under the item entitled "Critical economic situation in Africa";

8. *Requests* the Secretary-General to report to the General Assembly at its forty-sixth session on the implementation of the present resolution.

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[1] See A/43/398, annex II.

DOCUMENT A/45/L.22

Tunisia and Uganda: draft resolution

[*Original: English*]
[*19 November 1990*]

AFRICAN CHARTER FOR POPULAR PARTICIPATION IN DEVELOPMENT AND TRANSFORMATION

The General Assembly,

Recalling its resolutions S-13/2 of 1 June 1986 on the critical economic situation in Africa, the annex to which contains the United Nations Programme of Action for African Economic Recovery and Development 1986-1990, 43/12 of 25 October 1988, 43/27 of 18 November 1988 on mid-term review and appraisal of the Programme of Action and 44/24 of 17 November 1989 on the African Alternative Framework to Structural Adjustment Programmes for Socio-Economic Recovery and Transformation, which, *inter alia*, called for popular participation in the activities for growth and development,

1. *Takes note with interest* of the African Charter for Popular Participation in Development and Transformation (A/45/427, annex, appendix II);

2. *Commends* the collective commitment of African peoples and Governments to promote economic recovery and development in Africa through, *inter alia*, popular participation for development and transformation;

3. *Calls upon* the international community, in particular multilateral financial and development institutions, to increase support to Africa's efforts in bringing about sustained growth and development, taking into account national priorities, policies and strategies for economic development.

DOCUMENT A/45/L.22/REV.1

Tunisia and Uganda: revised draft resolution

[*Original: English*]
[*14 December 1990*]

AFRICAN CHARTER FOR POPULAR PARTICIPATION IN DEVELOPMENT AND TRANSFORMATION

The General Assembly,

Recalling its resolutions S-13/2 of 1 June 1986 on the critical economic situation in Africa, the annex to which contains the United Nations Programme of Action for African Economic Recovery and Development 1986-1990, 43/12 of 25 October 1988, 43/27 of 18 November 1988 on the mid-term review and appraisal of the Programme of Action and 44/24 of 17 November 1989 on the African Alternative Framework to Structural Adjustment Programmes for Socio-Economic Recovery and Transformation, which, *inter alia*, called for popular participation in the activities for growth and development,

Noting with interest the concepts contained in the African Charter for Popular Participation in Development and Transformation, the importance of which has been recognized in international conferences,

1. *Takes note with appreciation* of the African Charter for Popular Participation in Development and Transformation (A/45/427, annex, appendix II);

2. *Commends* the collective commitment of African peoples and Governments to promote economic recovery and development in Africa through, *inter alia*, popular participation for development and transformation;

3. *Calls upon* the international community to increase support to Africa's efforts in bringing about sustained and sustainable growth and development, taking into account, *inter alia*, the objectives of the African Charter for Popular Participation in development and transformation.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 70th plenary meeting, on 19 December 1990, the General Assembly adopted draft resolutions A/45/L.20/Rev.1, A/45/L.21/Rev.1 and A/45/L.22/Rev.1. For the final text, see resolutions 45/178 A to C.[2]

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[2] See *Official Records of the General Assembly, Forty-fifth Session, Supplement No. 49*.

LIST OF OTHER DOCUMENTS PERTAINING TO THE ITEM

Symbol	*Title or description*	*Observations and references*
A/45/554	Letter dated 24 September 1990 from the representative of Botswana and the Netherlands to the Secretary-General transmitting the text of the concluding statement and of the issues paper of the Maastricht Conference on Africa, held on 2 and 4 July 1990	
A/45/581 and Add.1	Note by the Secretary-General transmitting the report of the United Nations Secretary-General's Expert Group on African Commodity Problems	
A/45/591	Letter dated 3 October from the representative of Sierra Leone to the Secretary-General transmitting, on behalf of the Group of African States at the United Nations, the text of the document entitled "Africa's common position on the report entitled 'Africa's Commodity Problems: Towards a Solution' "	
	Programme budget implications of the draft resolution contained in documents A/45/L.20 and L.21 and Corr.1	
A/C.5/45/56	Note by the Secretary-General	
A/45/816	Report of the Fifth Committee	See annex fascicle, agenda item 118

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Official Records

Agenda item 154

ANNEXES

FORTY-FIFTH SESSION

NEW YORK, 1990/1991

Agenda item 154: Electoral assistance to Haiti*

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* For the records of the relevant meetings, see *Official Records of the General Assembly, Forty-fifth Session, Plenary Meetings*, 26th and 29th meetings; and *ibid., Fifth Committee*, 6th and 47th meetings, and corrigendum.

DOCUMENT A/45/234

Belize: request for the inclusion of an additional item in the agenda of the forty-fifth session

[*Original: English*]
[*25 September 1990*]

LETTER DATED 25 SEPTEMBER 1990 TO THE SECRETARY-GENERAL

I have the honour in my capacity as Chairman of the Group of Latin American and Caribbean States, to request, in accordance with rule 15 of the rules of procedure of the General Assembly, the inclusion of an additional item entitled "Technical assistance to Haiti", in the agenda of the forty-fifth session of the Assembly, to be considered as a priority and urgent item by the Assembly in plenary session.

In accordance with rule 20 of the rules of procedure of the Assembly, an explanatory memorandum and a draft resolution concerning the request are attached hereto.

(*Signed*) Carl L. B. ROGERS
Ambassador
Permanent Representative

ANNEX

Explanatory memorandum

1. The Head of the Provisional Government of Haiti, Mrs. Ertha Pascal-Trouillot, has called upon the United Nations to support the will and the determination of the Haitian people in their quest for the democratic way of life.

2. In her letters to the Secretary-General, dated 23 June 1990 (A/44/965, annex), 9 August 1990 (A/44/973, annex) and 14 September 1990 (A/44/979, annex), the President of Haiti requests assistance in the observation and verification of the electoral process and assistance in drawing up security plans and in their implementation. Her specific requests are:

(*a*) A permanent nucleus of some 50 observers who would arrive in Haiti prior to voter registration and leave only after the elections;

(*b*) Reinforcements at the time of elections and, if possible, of voter registration, bringing the total to a few hundred observers. Co-ordination with the Organization of American States is envisaged;

(*c*) Assistance to the Co-ordinating Committee for the security of the elections, to be provided by two or three advisers;

(*d*) Observation of the implementation of the electoral security plans by specialized staff, that is, by observers, the number of whom remains to be determined, with solid experience in the field of public order.

3. The draft resolution contained in document A/44/L.67, which emanated from Haiti's request for assistance to ensure free, fair and credible elections in the Republic of Haiti in support for the desire of the people of Haiti to decide their own destiny, was circulated during the forty-fourth session.

4. Given the time-frame for the registration process, which begins on 5 October 1990, the elections scheduled for 16 December and the need to provide assistance to the Haitian Government, it is imperative that the General Assembly consider the attached draft resolution as a matter of priority.

APPENDIX

Assistance to Haiti

The General Assembly,

[*Same text as the draft resolution contained in document A/45/L.2 and Add.1 below.*]

DOCUMENT A/45/L.2 AND ADD.1*

Antigua and Barbuda, Bahamas, Barbados, Belize, Bolivia, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Grenada, Guatemala, Haiti, Honduras, Jamaica, Nicaragua, Peru, Saint Kitts and Nevis, Suriname and Venezuela: draft resolution

[*Original: English*]
[*28 September 1990*]

The General Assembly,

Taking note of the letters dated 23 June[1] and 9 August 1990[2] from the President of the Provisional Government of the Republic of Haiti to the Secretary-General, in which the President requested assistance from the United Nations in order to achieve the peaceful and efficient development of the coming electoral process,

Reaffirming the sovereign right of the people of Haiti to choose and participate freely in the determination of their own destiny without any external interference,

Aware of the efforts of the people of Haiti to consolidate their democratic institutions in the face of the potential for destabilization,

1. *Requests* the Secretary-General, in co-operation with regional organizations and Member States, to provide the broadest possible support to the Government of Haiti in meeting, to the extent possible, the following requests:

(*a*) A nucleus of some fifty observers that would arrive in Haiti prior to voter registration and would leave only after the elections;

(*b*) Reinforcement of the nucleus at the time of elections and voter registration, bringing the total to a few hundred observers;

(*c*) Assistance to the Co-ordinating Committee for the security of the elections, to be provided by two or three advisers,

(*d*) Observation of the implementation of the electoral security plans by specialized staff, that is, by observers, the number of whom remains to be determined, with solid experience in the public order field;

2. *Urges* the international community and relevant international organizations to increase their technical, economic and financial co-operation with Haiti, in order to support the economic and social development efforts of the country;

3. *Requests* the Secretary-General to submit to the General Assembly a report on the implementation of the present resolution.

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* Document A/45/L.2/Add.1 was issued to add 19 States to the list of sponsors.

[1] A/44/965 and Corr.1, annex.

[2] A/44/973, annex II.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 29th plenary meeting, on 10 October 1990, the General Assembly adopted draft resolution A/45/L.2 and Add.1. For the final text, see resolution 45/2.[3]

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[3] See *Official Records of the General Assembly, Forty-fifth Session, Supplement No. 49.*

LIST OF OTHER DOCUMENTS PERTAINING TO THE ITEM

Symbol	*Title or description*	*Observations and references*
A/45/846	Letter dated 12 December 1990 from the representative of Jamaica to the Secretary-General transmitting the text of the communiqué of the Eleventh Meeting of the Conference of Heads of Government of the Caribbean Community, held at Kingston from 31 July to 2 August 1990	
A/45/870 and Add.1	Notes by the Secretary-General transmitting the first and second reports of the United Nations Observer Group for the Verification of Elections in Haiti	
	Programme budget implications of the draft resolution contained in document A/45/L.2	
A/C.5/45/13	Note by the Secretary-General	
A/45/606	Report of the Fifth Committee	See annex fascicle, agenda item 118

United Nations

GENERAL ASSEMBLY

Official Records

Agenda item 156

ANNEXES

FORTY-FIFTH SESSION

NEW YORK, 1990/1991

Agenda item 156: Financing of the activities arising from Security Council resolution 687 (1991):*

(*a*) United Nations Iraq-Kuwait Observation Mission;

(*b*) Other activities

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DOCUMENT A/45/240

Secretary-General: request for the inclusion of an additional item in the agenda of the forty-fifth session

[*Original: English*]
[*23 April 1991*]

NOTE BY THE SECRETARY-GENERAL

1. The Secretary-General has the honour to request, pursuant to rule 15 of the rules of procedure of the General Assembly, the inclusion in the agenda of the forty-fifth session of an additional item of an important and urgent character, entitled:

> "Financing of the activities arising from Security Council resolution 687 (1991):
>
> "(*a*) United Nations Iraq-Kuwait Observation Mission;
>
> "(*b*) Other activities".

2. Owing to the nature of the item, the Secretary-General further requests that it be allocated to the Fifth Committee.

DOCUMENT A/45/1006

Report of the Fifth Committee

[*Original: Arabic*]
[*2 May 1991*]

1. At its 73rd plenary meeting, on 29 April 1991, the General Assembly decided to include in the agenda of its forty-fifth session, as item 156, the item entitled:

> "Financing of the activities arising from Security Council resolution 687 (1991):
>
> "(*a*) United Nations Iraq-Kuwait Observation Mission;
>
> "(*b*) Other activities",

and to allocate it to the Fifth Committee for consideration and report.

2. At its 53rd to 56th meetings, between 29 April and 2 May 1991, the Fifth Committee considered the item. It had before it the report of the Secretary-General on the financing of the United Nations Iraq-Kuwait Observation Mission (A/45/240/Add.1) and the related report of the Advisory Committee on Administrative and Budgetary Questions (A/45/1005).

3. Statements and observations made in the course of the Committee's consideration of the item are reflected in the summary records of the meetings (A/C.5/45/SR.53-56).

4. At the 56th meeting, on 2 May, Ms. Mustonen (Finland), Vice-Chairman of the Committee, introduced a draft resolution (A/C.5/45/L.28).

5. At the same meeting, the Committee adopted draft resolution A/C.5/45/L.28 without a vote (see para. 6 below).

Recommendation of the Fifth Committee

6. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolution:

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* For the records of the relevant meetings, see *Official Records of the General Assembly, Forty-fifth Session, Fifth Committee*, 53rd to 56th meetings, and corrigendum; and *ibid., Plenary Meetings*, 73rd, 74th and 82nd meetings.

Financing of the United Nations Iraq-Kuwait Observation Mission

The General Assembly,

Having considered the report of the Secretary-General on the financing of the United Nations Iraq-Kuwait Observation Mission (A/45/240/Add.1) and the related report of the Advisory Committee on Administrative and Budgetary Questions (A/45/1005),

Bearing in mind Security Council resolutions 687 (1991) of 3 April 1991 and 689 (1991) of 9 April 1991, by which the Council decided to set up the United Nations Iraq-Kuwait Observation Mission and to review the question of its termination or continuation every six months,

Recognizing that the costs of the Observation Mission are expenses of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations,

Recognizing also that, in order to meet the expenditures caused by the Observation Mission, a different procedure is required from the one applied to meet expenditures of the regular budget of the United Nations,

Taking into account the fact that the economically more developed countries are in a position to make relatively larger contributions and that the economically less developed countries have a relatively limited capacity to contribute towards such an operation,

Bearing in mind the special responsibilities of the States permanent members of the Security Council in the financing of such operations, as indicated in General Assembly resolution 1874 (S-IV) of 27 June 1963,

Noting with appreciation that voluntary contributions have been made to the Observation Mission by certain Governments,

Mindful of the fact that it is essential to provide the Observation Mission with the necessary financial resources to enable it to fulfil its responsibilities under the relevant resolutions of the Security Council,

1. *Concurs* with the observations, recommendations and conclusions contained in the report of the Advisory Committee on Administrative and Budgetary Questions (*ibid.*);

2. *Urges* all Member States to make every possible effort to ensure payment of their assessed contributions to the United Nations Iraq-Kuwait Observation Mission in full and on time;

3. *Decides* to appropriate an amount of 60,977,000 United States dollars (gross), which includes the amount of 900,000 dollars authorized by the Secretary-General and the amount of 5.9 million dollars authorized with the concurrence of the Advisory Committee under the terms of General Assembly resolution 44/203 of 21 December 1989, for the operation of the Observation Mission from 9 April to 8 October 1991, inclusive, and requests the Secretary-General to establish a special account for the Observation Mission;

4. *Decides also*, as an *ad hoc* arrangement, to apportion the amount of 60,977,000 dollars referred to in paragraph 3 of the present resolution among Member States in accordance with the composition of groups set out in paragraphs 3 and 4 of General Assembly resolution 43/232 of 1 March 1989, as adjusted by the Assembly in its resolution 44/192 B of 21 December 1989, and taking into account the scale of assessments for the years 1989, 1990 and 1991;[1]

5. *Decides further* that Liechtenstein shall be included in the group of Member States set out in paragraph 3 (*b*) of General Assembly resolution 43/232;

6. *Decides* that Namibia shall be included in the group of Member States set out in paragraph 3 (*d*) of General Assembly resolution 43/232;

7. *Decides also* that, in accordance with the provisions of its resolution 973 (X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 4 of the present resolution, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 977,000 dollars approved for the period from 9 April to 8 October 1991, inclusive;

8. *Invites* voluntary contributions to the Observation Mission in cash and in the form of services and supplies acceptable to the Secretary-General, to be administered, as appropriate, in accordance with the procedure established by the General Assembly in its resolution 44/192 A of 21 December 1989;

9. *Requests* the Secretary-General to take all necessary action to ensure that the Observation Mission is administered with a maximum of efficiency and economy;

10. *Decides* to include in the provisional agenda of its forty-sixth session the item entitled "Financing of the activities arising from Security Council resolution 687 (1991)".

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[1] See resolutions 43/223 A and 45/256 B.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 74th plenary meeting, on 3 May 1991, the General Assembly adopted the draft resolution submitted by the Fifth Committee in its report (A/45/1006, para. 6). For the final text, see resolution 45/260.[2]

At its 82nd plenary meeting, on 16 September 1991, the General Assembly decided to maintain in the draft agenda of its forty sixth session, as it appeared in the provisional agenda,[3] sub-item (*b*) under the item entitled:

> "Financing of the activities arising from Security Council resolution 687 (1991);
> "(*a*) United Nations Iraq-Kuwait Observation Mission;
> "(*b*) Other activities"

(see decision 45/460[2]).

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[2] See *Official Records of the General Assembly, Forty-fifth Session, Supplement No. 49 A.*

[3] A/46/150.

LIST OF OTHER DOCUMENTS PERTAINING TO THE ITEM

Symbol	*Title or description*	*Observations and references*
A/45/240/Add.1 and 2	Report of the Secretary-General	
A/45/1005	Report of the Advisory Committee on Administrative and Budgetary Questions	
A/C.5/45/L.28	Draft resolution	See A/45/1006, paras. 4 and 6

United Nations

GENERAL ASSEMBLY

Official Records

Agenda item 157

ANNEXES

FORTY-FIFTH SESSION

NEW YORK, 1990/1991

Agenda item 157: Financing of the United Nations Mission for the Referendum in Western Sahara*

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* For the records of the relevant meetings, see *Official Records of the General Assembly, Forty-fifth Session, Fifth Committee*, 57th to 59th meetings, and corrigendum; and *ibid., Plenary Meetings*, 75th and 76th meetings.

DOCUMENT A/45/241

Secretary-General: request for the inclusion of an additional item in the agenda of the forty-fifth session

[*Original: English*]
[*7 May 1991*]

NOTE BY THE SECRETARY-GENERAL

1. The Secretary-General has the honour to request, pursuant to rule 15 of the rules of procedure of the General Assembly, the inclusion in the agenda of the forty-fifth session of an additional item of an important and urgent character, entitled "Financing of the United Nations Mission for the Referendum in Western Sahara".

2. Owing to the nature of the item, the Secretary-General further requests that it be allocated to the Fifth Committee.

DOCUMENT A/45/1013

Report of the Fifth Committee

[*Original: Arabic*]
[*16 May 1991*]

1. At its 75th plenary meeting, on 13 May 1991, the General Assembly decided to include in the agenda of its forty-fifth session, as item 157, the item entitled "Financing of the United Nations Mission for the Referendum in Western Sahara", and to allocate it to the Fifth Committee for consideration and report.

2. At its 57th to 59th meetings, between 13 and 16 May 1991, the Fifth Committee considered the item. It had before it the report of the Secretary-General on the financing of the United Nations Mission for the Referendum in Western Sahara (A/45/241/Add.1) and the related report of the Advisory Committee on Administrative and Budgetary Questions (A/45/1011).

3. Statements and observations made in the course of the Committee's consideration of the item are reflected in the summary records of the meetings (A/C.5/45/SR.57-59).

4. At the 59th meeting, on 16 May, Ms. Mustonen (Finland), Vice-Chairman of the Committee, introduced a draft resolution (A/C.5/45/L.30) and orally revised it as follows:

(*a*) In paragraph 1, *for* will consider *read* shall consider;

(*b*) At the end of paragraph 7, add

"in accordance with the settlement plan as contained in paragraphs 72 to 74 of the report of the Secretary-General of 18 June 1990[3] and in paragraphs 34 to 36 of the report of the Secretary-General of 19 April 1991[4]

"[3] S/21360; see *Official Records of the Security Council, Forty-fifth Year, Supplement for April, May and June 1990*, document S/21360.

"[4] S/22464 and Corr.1; see *Official Records of the Security Council, Forty-sixth Year, Supplement for April, May and June 1991*, document S/22464."

and renumber former footnote 3 as 5.

5. At the same meeting, the Committee adopted draft resolution A/C.5/45/L.30, as orally revised, without a vote (see para. 6 below).

Recommendation of the Fifth Committee

6. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolution:

FINANCING OF THE UNITED NATIONS MISSION FOR THE REFERENDUM IN WESTERN SAHARA

The General Assembly,

Recalling its resolution 45/21 of 20 November 1990,

Bearing in mind Security Council resolutions 621 (1988) of 20 September 1988 and 658 (1990) of 27 June 1990 as well as Council resolution 690 (1991) of 29 April 1991, by which the Council established, under its authority, the United Nations Mission for the Referendum in Western Sahara,

Having considered the report of the Secretary-General on the financing of the United Nations Mission for the Referendum in Western Sahara (A/45/241/Add.1) and the related report of the Advisory Committee on Administrative and Budgetary Questions (A/45/1011),

Noting that the budgetary estimates for the Mission as contained in the report of the Secretary-General amount to 180,617,000 United States dollars gross (176,868,000 dollars net),

Recognizing that the costs of the Mission are expenses of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations,

Mindful of the fact that it is essential to provide the Mission with the necessary financial resources to enable it to fulfil its responsibilities under the relevant resolutions of the Security Council,

Urging all Member States to make every possible effort to ensure payment of their assessed contributions to the Mission in full and on time, particularly in view of the urgent need for the start-up cost of the operation and its brevity of duration,

Recognizing that, in order to meet the expenditures caused by the Mission, a different procedure is required from the one applied to meet expenditures of the regular budget of the United Nations,

Taking into account the fact that the economically more developed countries are in a position to make relatively larger contributions and that the economically less developed countries have a relatively limited capacity to contribute towards such an operation,

Bearing in mind the special responsibilities of the States permanent members of the Security Council, as indicated in General Assembly resolution 1874 (S-IV) of 27 June 1963, in the financing of the Mission,

1. *Recalls* that, in accordance with Article 17 of the Charter of the United Nations, it is the General Assembly that shall consider and approve the budget of the Organization;

2. *Approves*, in principle, the budgetary estimates proposed by the Secretary-General for the United Nations Mission for the Referendum in Western Sahara (180,617,000 dollars gross, 176,868,000 dollars net), as contained in his report (A/45/241/Add.1), for the mandate period approved by the Security Council in its resolution 690 (1991) and in respect of which the Secretary-General is requested to establish a special account in accordance with paragraph 16 of his report;

3. *Decides* to appropriate an initial amount of 143 million dollars gross (140 million dollars net), inclusive of the amount of 889,700 dollars authorized with the concurrence of the Advisory Committee on Administrative and Budgetary Questions for pre-implementation expenses under the terms of General Assembly resolution 44/203 of 21 December 1989, for the operation of the Mission in accordance with the implementation timetable set out in paragraph 10 of the report of the Secretary-General;

4. *Requests* the Secretary-General to submit a detailed performance report for the first six months of the operation to the General Assembly at its forty-sixth session and to take all necessary measures to ensure that the operation is administered with the maximum of efficiency and economy, bearing in mind the observations and recommendations contained in paragraphs 10 to 18 of the report of the Advisory Committee (A/45/1011);

5. *Decides* to consider at its forty-sixth session the appropriations required to finance the Mission for the remaining three-month mandate period in the light of the performance report referred to in paragraph 4 of the present resolution;

6. *Takes note* of the views expressed by the Secretary-General in paragraphs 18 and 19 of his report and acknowledges that the repatriation programme to be carried out by the Office of the United Nations High Commissioner for Refugees, in accordance with its statute, is an essential political element in the settlement proposals without which an impartial referendum could not take place, and calls upon Member States to respond expeditiously to the appeal by the Secretary-General for voluntary contributions in this regard;

7. *Adopts* the recommendations of the Advisory Committee, as contained in paragraph 8 of its report, in respect of voluntary contributions totalling 34.5 million dollars estimated as the requirements of the Office of the United Nations High Commissioner for Refugees for the repatriation of Western Saharans in accordance with the settlement plan as contained in paragraphs 72 to 74 of the report of the Secretary-General of 18 June 1990[1] and in paragraphs 34 to 36 of the report of the Secretary-General of 19 April 1991;[2]

8. *Takes note* of the recommendation of the Advisory Committee, contained in paragraph 15 of its report, concerning the high-level posts for the Mission and decides that no more than one Under-Secretary-General and two Assistant Secretaries-General shall be appointed for the Mission;

9. *Decides*, as an *ad hoc* arrangement, to apportion the amount of 143 million dollars gross (140 million dollars net) among Member States in accordance with the composition of groups set out in paragraphs 3 and 4 of General Assembly resolution 43/232 of 1 March 1989, as adjusted by the Assembly in its resolution 44/192 B of 21 December 1989, and taking into account the scale of assessments for the years 1989, 1990 and 1991;[3]

10. *Decides also* that Liechtenstein shall be included in the group of Member States set out in paragraph 3 (*b*) of General Assembly resolution 43/232;

11. *Decides further* that Namibia shall be included in the group of Member States set out in paragraph 3 (*d*) of General Assembly resolution 43/232;

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[1] S/21360; see *Official Records of the Security Council, Forty-fifth Year, Supplement for April, May and June 1990*, document S/21360.

[2] S/22464 and Corr.1; see *Official Records of the Security Council, Forty-sixth Year, Supplement for April, May and June 1991*, document S/22464.

[3] See resolutions 43/223 A and 45/256 B.

12. *Decides* that, in accordance with the provisions of its resolution 973 (X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 9 of the present resolution, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 3 million dollars approved for the initial six-month period;

13. *Invites* voluntary contributions to the Mission in cash and in the form of services and supplies acceptable to the Secretary-General, to be administered, as appropriate, in accordance with the procedure established by the General Assembly in its resolution 44/192 A of 21 December 1989;

14. *Decides* to include in the provisional agenda of its forty-sixth session the item entitled "Financing of the United Nations Mission for the Referendum in Western Sahara".

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 76th plenary meeting, on 17 May 1991, the General Assembly adopted the draft resolution submitted by the Fifth Committee in its report (A/45/1013, para. 6). For the final text, see resolution 45/266.[4]

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[4] See *Official Records of the General Assembly, Forty-fifth Session, Supplement No. 49A.*

LIST OF OTHER DOCUMENTS PERTAINING TO THE ITEM

Symbol	*Title or description*	*Observations and references*
A/45/241/Add.1	Report of the Secretary-General	
A/45/1011	Report of the Advisory Committee on Administrative and Budgetary Questions	
A/C.5/45/L.30	Draft resolution	See A/45/1013, paras. 4 and 6

United Nations

GENERAL ASSEMBLY

Official Records

Agenda item 158

ANNEXES

FORTY-FIFTH SESSION

NEW YORK, 1990/1991

Agenda item 158: Financing of the United Nations Observer Mission in El Salvador*

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DOCUMENT A/45/242

Secretary-General: request for the inclusion of an additional item in the agenda of the forty-fifth session

[*Original: English*]
[*29 May 1991*]

NOTE BY THE SECRETARY-GENERAL

1. The Secretary-General has the honour to request, pursuant to rule 15 of the rules of procedure of the General Assembly, the inclusion in the agenda of the forty-fifth session of an additional item of an important and urgent character, entitled "Financing of the United Nations Observer Mission in El Salvador".

2. Owing to the nature of the item, the Secretary-General further requests that it be allocated to the Fifth Committee.

DOCUMENT A/45/1026

Report of the Fifth Committee

[*Original: Arabic*]
[*9 June 1991*]

1. At its 77th plenary meeting, on 10 June 1991, the General Assembly decided to include in the agenda of its forty-fifth session, as item 158, the item entitled "Financing of the United Nations Observer Mission in El Salvador", and to allocate it to the Fifth Committee for consideration and report.

2. At its 61st and 62nd meetings, on 17 and 19 June 1991, the Fifth Committee considered the item. It had before it the report of the Secretary-General on the financing of the United Nations Observer Mission in El Salvador (A/45/242/Add.1) and the related report of the Advisory Committee on Administrative and Budgetary Questions (A/45/1021).

3. Statements and observations made in the course of the Committee's consideration of the item are reflected in the summary records of the meetings (A/C.5/45/SR.61 and 62).

4. At the 62nd meeting, Ms. Mustonen (Finland), Vice-Chairman of the Committee, introduced a draft resolution (A/C.5/45/L.32).

5. At the same meeting, the Committee adopted draft resolution A/C.5/45/L.32 without a vote (see para. 7 below).

6. Also at the same meeting, the representative of Japan made a statement in explanation of position.

Recommendation of the Fifth Committee

7. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolution:

FINANCING OF THE UNITED NATIONS OBSERVER MISSION IN EL SALVADOR

The General Assembly,

Bearing in mind Security Council resolution 693 (1991) of 20 May 1991, by which the Council established, under its authority, the United Nations Observer Mission in El Salvador to monitor all agreements concluded between the Government of El Salvador and the Frente Farabundo Martí para la Liberacíon Nacional, whose initial mandate in its first phase as an integrated peace-keeping operation will be to verify the compliance by the two parties with the Agreement on Human Rights, signed at San José on 26 July 1990,[1]

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* For the records of the relevant meetings, see *Official Records of the General Assembly, Forty-fifth Session, Fifth Committee*, 61st and 62nd meetings, and corrigendum; and *ibid., Plenary Meetings*, 77th and 78th meetings.

Having considered the report of the Secretary-General on the financing of the United Nations Observer Mission in El Salvador (A/45/242/Add.1) and the related report of the Advisory Committee on Administrative and Budgetary Questions (A/45/1021),

Noting that the budgetary estimates for the Mission as contained in the report of the Secretary-General amount to 31,177,700 United States dollars gross (28,782,800 dollars net) for the twelve-month period of its authorized mandate,

Recognizing that the costs of the Mission are expenses of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations,

Mindful of the fact that it is essential to provide the Mission with the necessary financial resources to enable it to fulfil its responsibilities under the relevant resolutions of the Security Council,

Urging all Member States to make every possible effort to ensure payment of their assessed contributions to the Mission in full and on time, particularly in view of the urgent need for the start-up cost of the operation,

Recognizing that, in order to meet the expenditures caused by the Mission, a different procedure is required from the one applied to meet expenditures of the regular budget of the United Nations,

Taking into account the fact that the economically more developed countries are in a position to make relatively larger contributions and that the economically less developed countries have a relatively limited capacity to contribute towards such an operation,

Bearing in mind the special responsibilities of the States that are permanent members of the Security Council, as indicated in General Assembly resolution 1874 (S-IV) of 27 June 1963, in the financing of the Mission,

1. *Decides* to appropriate an amount of 13.8 million dollars gross (13 million dollars net), inclusive of the amount of 611,300 dollars authorized by the Secretary-General for pre-implementation costs under the terms of General Assembly resolution 44/203 of 21 December 1989, for the operation of the United Nations Observer Mission in El Salvador for the six-month period from 1 July to 31 December 1991, and requests the Secretary-General to establish a special account in accordance with paragraph 15 of his report (A/45/242/Add.1);

2. *Decides*, as an ad hoc arrangement, to apportion the amount of 13.8 million dollars gross (13 million dollars net) among Member States in accordance with the composition of groups set out in paragraphs 3 and 4 of General Assembly resolution 43/232 of 1 March 1989, as adjusted by the Assembly in its resolution 44/192 B of 21 December 1989, and taking into account the scale of assessments for the years 1989, 1990 and 1991;[2]

3. *Decides also* that Liechtenstein shall be included in the group of Member States set out in paragraph 3 (*b*) of General Assembly resolution 43/232;

4. *Decides further* that Namibia shall be included in the group of Member States set out in paragraph 3 (*d*) of General Assembly resolution 43/232;

5. *Decides* that, in accordance with the provisions of its resolution 973 (X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 2 of the present resolution, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 800,000 dollars;

6. *Authorizes* the Secretary-General to enter into commitments for the Mission in an amount not to exceed 9.2 million dollars gross (8.8 million dollars net), with the prior concurrence of the Advisory Committee on Administrative and Budgetary Questions, for the period from 1 January to 30 June 1992, inclusive, the said amount to be apportioned among Member States in accordance with the scheme set out in the present resolution;

7. *Invites* voluntary contributions to the Mission in cash and in the form of services and supplies acceptable to the Secretary-General, to be administered, as appropriate, in accordance with the procedure established by the General Assembly in its resolution 44/192 A of 21 December 1989;

8. *Requests* the Secretary-General to take all necessary action to ensure that the Mission is administered with a maximum of efficiency and economy;

9. *Decides* to include in the provisional agenda of its forty-sixth session the item entitled "Financing of the United Nations Observer Mission in El Salvador".

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[1] A/44/971-S/21541, annex. For the printed text, see *Official Records of the Security Council, Forty-fifth Year, Supplement for July, August and September 1990*, document S/21541, annex.

[2] See resolutions 43/223 A and 45/256 B.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 78th plenary meeting, on 21 June 1991, the General Assembly adopted the draft resolution submitted by the Fifth Committee in its report (A/45/1026, para. 7). For the final text, see resolution 45/267.[3]

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[3] See *Official Records of the General Assembly, Forty-fifth Session, Supplement No. 49A*.

LIST OF OTHER DOCUMENTS PERTAINING TO THE ITEM

Symbol	*Title or description*	*Observations and references*
A/45/242/Add.1	Report of the Secretary-General	
A/45/1021	Report of the Advisory Committee on Administrative and Budgetary Questions	
A/C.5/45/L.32	Draft resolution	See A/45/1026, paras. 4 and 7

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